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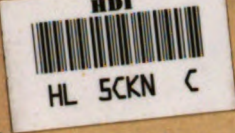
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THE ACTS
OF
THE PARLIAMENT
OF
TASMANIA

VOL. XVIII. PART I.
ANNO 5^o EDWARD VII. (1905.)



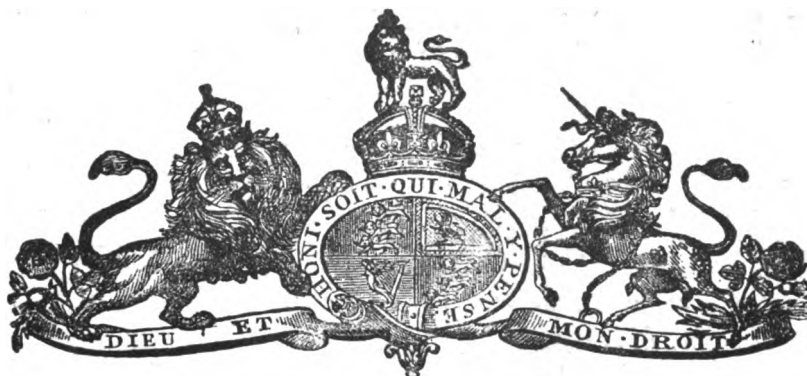
Tasmania

JOHN VAIL, GOVERNMENT PRINTER, HOBART

1905

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TASMANIA.



I N D E X

TO THE

A C T S O F P A R L I A M E N T

PASSED

ANNO 5° EDWARDI VII. (1905.)

VOL. XVIII. PART I.

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Rec. Sept. 19, 1906

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 1.



AN ACT to apply out of the Consolidated Revenue Fund a Sum for the Service of the Year ending the Thirtieth day of *June*, 1906. [14 *July*, 1905.] A.D. 1905.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Supply Act (No. 1), 1905-6.” Short title.

2 There shall and may be issued and applied towards making good the supply hereby granted to His Majesty for the service of the year ending the Thirtieth day of *June*, One thousand nine hundred and six, the sum of One hundred and ten thousand Pounds out of the Consolidated Revenue Fund of the State of *Tasmania*, for the purposes and services expressed in the Schedule to this Act, and the Treasurer of *Tasmania* is hereby authorised and empowered to issue and apply the moneys authorised to be issued and applied. Issue and application of £110,000.

4d.]

Supply (No. 1).

A.D. 1905.

Sum available for
the purposes set
forth in Schedule.Credit to be given
to the Treasurer
in Accounts.

3 The said sum shall be available to satisfy the Warrants under the hand of the Governor in respect of any purposes and services set forth in the said Schedule.

4 The said Treasurer shall be allowed credit in his Accounts for any sums of money paid by him in pursuance of any such Warrant as aforesaid; and the receipts of the respective persons to whom the same are so paid shall be a full and valid discharge to the said Treasurer in passing his said Accounts for any such sums as are therein mentioned, and he shall receive credit for the same accordingly.

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T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 2.



AN ACT for the Removal of Doubts with regard to the Validity of the Election of certain Members of the Legislative Council of the Parliament of *Tasmania*.

A.D. 1905.

[10 August, 1905.]

WHEREAS doubts have arisen with regard to the validity of the election of the following persons as Members of the Legislative Council of the Parliament of *Tasmania* who were elected upon the Second day of *May*, One thousand nine hundred and five, as follows, namely:—
The Honourable *Frederick William Grubb* as Member for the Electoral District of *Meander*, the Honourable *James Murdoch* as Member for the Electoral District of *Penbrooke*, the Honourable *William George Gibson* as Member for the Electoral District of *Hobart*, and the Honourable *Arthur Morrisby* as Member for the Electoral District of *Gordon*:

PREAMBLE.

And whereas it is expedient that the said elections should be declared to be valid:

4d.]

Parliamentary Election Doubts Removal.

A.D. 1905.
—

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

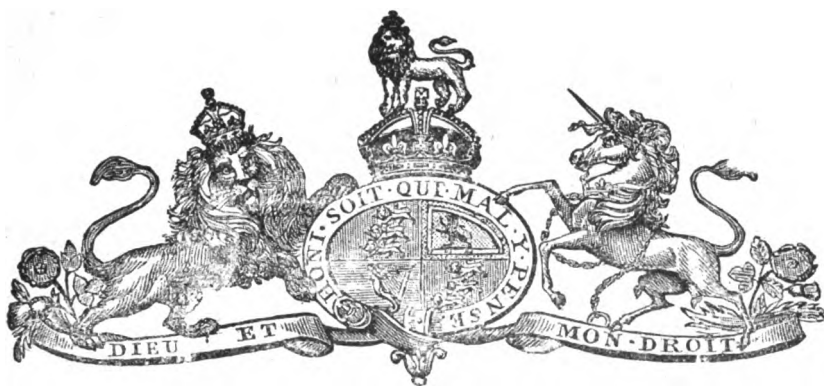
Elections declared
valid.

1 It is hereby declared that the following persons were on the Second day of *May*, One thousand nine hundred and five, duly elected at a periodical election of Members of the Legislative Council of the Parliament of *Tasmania* as Members of the said Council to serve in the said Parliament as follows, namely:—The Honourable *Frederick William Grubb* for the Electoral District of *Meander*, the Honourable *James Murdoch* for the Electoral District of *Pembroke*, the Honourable *William George Gibson* for the Electoral District of *Hobart*, and the Honourable *Arthur Morrisby* for the Electoral District of *Gordon*, and that all the said elections are valid for all purposes.

Payments already
made validated.

2 All payments of money heretofore made to the said several members under "The Payment of Members Act, 1900," shall be deemed to have been lawfully made, and all receipts given by them or on their behalf respectively therefor shall be good and valid acquittances and discharges for the several amounts therein expressed to have been received.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS.

No. 3.



AN ACT to amend the Law by making provision for the Legitimation of Children born before Marriage, by the Subsequent Marriage of their Parents. [14 September, 1905.] A.D. 1905.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 The Short Title of this Act is "The Legitimation Act, 1905." Short title.

2 Any child born before the marriage of his or her parents (and whether before or after the passing of this Act), whose parents have intermarried or shall hereafter intermarry, shall be deemed to have been legitimated by the mere fact of such marriage from birth and shall, except as hereinafter provided, be entitled to all the rights of a child born in wedlock, including the right to such real and personal property as might have been claimed by such child if born in wedlock, and also to any real and personal property on the succession of any other person which might have been claimed through the parent by a child born in wedlock.

4d.]

Legitimation of illegitimate children by marriage of parents.
Cf. 3 Ed. VII. No. 1835, s. 2 (Vic.); 58 Vict. No. 28, s. 2 (N.Z.); 63 Vict. No. 11, s. 3 (Q.); 2 Ed. VII. No. 23, s. 3 (N.S.W.); 61 & 62 Vict. No. 703, s. 2 (S.A.).

Legitimation.

A.D. 1905.

Issue of legitimated child dying before marriage of parents.

Cf. *ibid.* (Q.), s. 4; *ibid.* (N.S.W.), s. 4; *ibid.* (S.A.), s. 3; 58 Vict. No. 28, s. 3 (N.Z.).

Estate, right, or interest in property not affected.

Cf. 3 Ed. VII. No. 1835 (Vict.), s. 3; *ibid.* (Q.), s. 5; *ibid.*

(N.S.W.), s. 5; *ibid.* (S.A.), s. 4; *ibid.* (N.Z.), s. 4.

Registrars to register such child.

Cf. *ibid.* (Vict.), s. 4; *ibid.* (N.Z.), s. 5; *ibid.* (Q.), s. 7; *ibid.* (N.S.W.), s. 7; *ibid.* (S.A.), s. 5.

3 The issue of any such legitimated child who has died or may hereafter die before the marriage of his or her parents shall take by operation of law the same real and personal property which would have accrued to such issue if such legitimated child had been born in wedlock.

4 Nothing in this Act shall affect any estate, right, or interest in any real or personal property to which any person has become or may become entitled, either mediately or immediately, in possession, expectancy or contingency, by virtue of any disposition made before the passing of this Act or the marriage of the parents, whichever shall be latest, or by virtue of any devolution by law on the death of any person dying before the passing of this Act or the marriage of the parents, whichever shall be latest.

5—(1.) Notwithstanding anything to the contrary contained in any Act, it shall be the duty of every Registrar and Deputy Registrar respectively appointed under any Act for the time being in force providing for the registration of births, upon any man who claims to be the father of an illegitimate child whose mother he has married since the birth of such child producing to such Registrar or Deputy Registrar a statutory declaration in the form or to the effect set forth in the Schedule hereto, made by him in accordance with the provisions of "The Statutory Declarations Act, 1837," to register any such child (whether dead or alive) as the lawful issue of such man and his wife; and upon such registration the parentage of the child shall be deemed established.

(2.) The Registrar or Deputy Registrar shall forthwith make a note in the entry underneath his signature, to the effect that the registration has been made under the authority of this Act, and, if the same child has been previously registered as illegitimate, such Registrar or Deputy Registrar shall, on the record of such previous registration, make a note of the entry made under this Act, and intimate to the Registrar-General for the State that this has been done.

(3.) If the Registrar or Deputy Registrar has not the possession of the register-book containing such entry of illegitimacy, it shall be sufficient for him to intimate to the Registrar-General the fact of the new entry having been effected.

(4.) The father of any such child shall sign the registration entry in the register-book of births.

(5.) The provisions of this Section shall not be deemed to imply that any formal recognition of a child by its parents is necessary to effect its legitimation, nor preclude any other mode of establishing the parentage of the child.

6 Section Five of the Act of Council of *Tasmania*, 16 *Victoria* No. 11, is hereby amended by the addition at the end thereof of the following words: "the word 'child' also includes illegitimate child."

The word "child" in 16 Vict. No. 11 includes illegitimate child.

Cf. *ibid.* (N.Z.), s. 6.

Legitimation.

A.D. 1905.

SCHEDULE.**DECLARATION.**

I of , do hereby solemnly and sincerely declare that—

1. I am the father of a certain illegitimate child, born on the day of , 1 , at .
2. I was married to , the mother of the said child, on the day of , 1 , at , and I am desirous of having the birth of the said child registered as that of the lawful issue of myself and the said .
3. The document hereunto annexed is a certified copy of the certificate of my marriage with the said .

All which matters I conscientiously believe to be true ; and I make this declaration under the provisions of " The Statutory Declarations Act, 1837."

Taken before me this day of , 1 , at . }

A.B.

J.P.

TASMANIA.

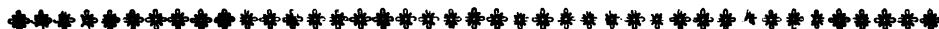


1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 4.



AN ACT to consolidate and amend the Law A.D. 1905.
relating to the Tax upon Land.

[30 September, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

PART I.

INTRODUCTORY.

1 This Act may be cited for all purposes as “The Land Tax Act, Short title, 1905.”

2 In this Act, unless the context otherwise determines—

“Assessed” means assessed under the provisions of “The Assessment Act, 1900”:

“Capital value” of any land means the capital value at which such land is for the time being assessed under the provisions of “The Assessment Act, 1900”:

“Commissioner” means the Commissioner of Taxes [for the time being :

Interpretation.

1s. 4d.]

Land Tax Consolidation.

A.D. 1905.

"District" means a District for the purposes of "The Assessment Act, 1900":

"Gazette" means the *Hobart Gazette*:

"Land" includes lands and buildings:

"Mortgage" means any charge whatsoever upon land, or any interest therein, whether created by deed, will, or any other instrument, or in any other manner whatsoever, and includes a rent charge:

"Mortgagee" includes the person entitled to a mortgage or any part thereof, and the person entitled to receive the interest or any part of the interest payable in respect of any mortgage:

"Occupier," used with reference to any property, means the person entitled to the immediate possession and occupation thereof:

Cf. 64 Viet. No.
4, s. 4.

"Owner," as applied to any land, means the person for the time being in the actual receipt of or entitled to receive, or who, if the land were let to a tenant, would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise; and shall include any person in the possession of any land under any lease or other instrument conferring possession of such land for any term not less than Ten years, without reserving any rent or reserving any annual rent or other periodical payment less than the annual rent that could reasonably be demanded for the use and occupation of such land:

"Prescribed" means prescribed by the Regulations to be made under this Act: Provided that where under this Act anything is required to be done in the "prescribed form," it shall be sufficient if the same be substantially in the form so prescribed or to the effect thereof:

"Tax" means the charge or duty upon land imposed by this Act:

"Taxpayer" includes every person who shall be liable to pay any tax pursuant to this Act:

"Taxpayer in a representative capacity" means every taxpayer in respect of land to which such taxpayer shall not be beneficially entitled:

"This Act" includes all Regulations to be made thereunder:

"Treasurer" means the Treasurer for the time being of the State:

Repeal.

3—(1.) The Acts specified in the Schedule to this Act are hereby repealed.

(2.) All Regulations made under any Act hereby repealed, and purporting to be in force at the time of the commencement of this Act, shall continue in force until repealed or altered under this Act.

*Land Tax Consolidation.***4** This Act is divided into Parts, as follows :—

- Part I.—Introductory. Sects. 1 to 4 inclusive.
 Part II.—Tax and Taxpayer. Sects. 5 to 17 inclusive.
 Part III.—Distribution of Burden of Taxation. Sects. 18 to 25 inclusive.
 Part IV.—Officers. Sects. 26 to 28 inclusive.
 Part V.—Demand and Recovery of Taxes by Judgment, Distress, or Ordinary Process. Sects. 29 to 35 inclusive.
 Part VI.—Recovery of Taxes by Letting and Sale of Land. Sects. 36 to 40 inclusive.
 Part VII.—Regulations. Sects. 41 and 42.
 Part VIII.—Miscellaneous. Sects. 43 to 56 inclusive.

A.D. 1905.

Act divided into
Parts.**PART II.****TAX AND TAXPAYER.**

5 Subject to the provisions of this Act, there shall be raised and levied for the year ending the Thirty-first day of *December*, One thousand nine hundred and five, and for every subsequent year until and inclusive of the year ending the Thirty-first day of *December*, One thousand nine hundred and eight, for the use of His Majesty in aid of the Consolidated Revenue Fund, a graduated Land Tax upon all land in the State of *Tasmania* and its Dependencies, in the cases and at the rates hereinafter provided.

Graduated Land
Tax to be levied.
Cf. 2 Ed.VII.
No. 3¹, s. 4.

6 The Tax shall be paid by the owners of the land taxed.

Taxpayers.

7—(1.) The Tax shall be charged on land as owned at noon on the Thirty-first day of *March* in the year for which the Tax is levied, and shall be due and payable on the First day of *October* immediately following.

Date at which
ownership deter-
mined for pur-
poses of Tax.
Date at which
Tax is due.

(2.) Every person whose name appears, on the Thirty-first day of *March* in any year, in any Assessment Roll in force under the provisions of "The Assessment Act, 1900," as owner of any property, shall, for the purposes of this Act, be deemed to be owner of such property unless, before such date, he—

Person shown as
owner in Assess-
ment Roll to be
deemed owner
under Act, unless
he notifies Com-
missioner of
transfer, &c.,
before the 31st
day of *March*.

- i. Gives express notice in writing to the Commissioner that he has parted with or disposed of the property of which he is shown to be owner in such Assessment Roll, whether by sale, conveyance, assignment, or transfer of any kind; or that he has been deprived thereof by operation of law: and
- ii. Furnishes the Commissioner with full particulars, in writing, of the transaction, the price obtained for the property, the name and address of the purchaser or transferee thereof, or of such facts as relieve him from liability at law—such particulars to be verified by Statutory Declaration in the prescribed manner.

Land Tax Consolidation.

A.D. 1905.

Provided, that any person who shall pay the Tax for any year in respect of any land which he has parted with or disposed of, whether by sale, conveyance, assignment, or transfer, before the Thirtieth day *June* in such year, shall be entitled to recover from the purchaser or transferee in any Court of competent jurisdiction a fair and proper proportion of the amount of any Tax so paid as aforesaid, as money paid to the use of such purchaser or transferee.

Tax to be paid on total capital value of land owned at rate mentioned in Schedule.

8 In each case mentioned in the First column of Schedule A. the Taxpayer shall pay in each year to the Commissioner for the use of His Majesty a graduated Land Tax on the total capital value of all the land of which he is the owner at noon on the Thirty-first day of *March*, at the rate mentioned in the Second column of the said Schedule for every Pound sterling in the amount of such capital value.

SCHEDULE A.

FIRST COLUMN.	SECOND COLUMN.
<i>Where the Total Capital Value of all the Land of any Taxpayer is</i>	<i>The Rate of Graduated Tax on such Total Capital Value is</i>
Under £5000	One Half-penny in the Pound sterling.
£5000 and is under £15,000	Five-eighths of a Penny in the Pound sterling.
£15,000 and is under £40,000.....	Three Farthings in the Pound sterling.
£40,000 and is under £80,000.....	Seven-eighths of a Penny in the Pound sterling.
£80,000 and over	One Penny in the Pound sterling.

Joint tenants, &c.
Cf. Sect. 15 of
52 Vict. No. 31.

9 Persons owning land as joint tenants, tenants in common, co-partners, co-trustees, or on joint account shall, in respect of such land and for the purposes of the graduated Land Tax thereon, be deemed to be a single Taxpayer, and shall be jointly and severally liable for the full payment of such Tax without regard to their relative shares or interests in the land.

Taxpayers in representative capacity.

10 The following shall be Taxpayers in their representative capacity :—

The public officer or other person representing a company, and every attorney or agent for every person permanently or temporarily absent from the State, and every trustee, executor, administrator, guardian, committee, public trustee, or receiver.

Land Tax Consolidation.

11 The public officer or other person representing a company, as regards the lands of such company, and every other Taxpayer in a representative capacity, as regards the land to which in such capacity he shall be entitled, or of which in such capacity he shall have the management, care, or control, shall be subject to the same liabilities as if such land were the property of such Taxpayer in his own individual right, except that no such Taxpayer, not being the public officer of a company, shall be personally liable for the payment of any Tax to any extent beyond the amount or value of any property over which he shall have any controlling power after the Tax shall be payable.

A.D. 1905.

—
Liability of
Taxpayer in
representative
capacities.

12 The account of every Taxpayer as to the Tax payable in his representative capacity shall be kept separate and distinct from the account of the Tax payable in his individual right; and the account of Taxpayers jointly entitled to or interested in, whether as partners or otherwise, the same land as regards the Tax payable in respect of such land, shall be kept jointly and separate and distinct from the sole accounts of such Taxpayers.

Keeping of
accounts.

13 Where a taxpayer in a representative capacity is chargeable with the Tax as trustee of Two or more estates under different instruments or appointments, the land comprised in each of such estates shall, for the purposes of taxation under this Act, be deemed separate and distinct from the others.

Land held by
trustee, &c., in
respect of
different estates.
Sect. 6 of
2 Ed.VII. No. 31.

14 The Commissioner may, if he thinks fit, from time to time, and at any time, require any Taxpayer to furnish any information in writing or by verbal communication, and to produce for examination by the Commissioner, or by any person appointed by him for that purpose, at such time and place as may be appointed by the Commissioner, any deeds, instruments, or other documents or writings in his custody or under his control as may be necessary to enable the Commissioner to determine the rate at which such Taxpayer is liable to taxation under this Act in respect of any land.

Commissioner
may require
information, &c.
Sect. 8 of
2 Ed.VII. No. 31.

15 Every person who is in the possession or occupation of any land held under or from the Crown by virtue of any location order or other authority from any Governor of *New South Wales* or any Lieutenant-Governor of this State, and every person claiming derivatively from, through, or under any other person originally claiming under any such location order or other such authority as aforesaid, shall be deemed to be the owner of such land for the purposes of this Act, and shall pay the Tax in respect of such land.

Person in pos-
session of Crown
land under
location order to
pay Tax.
Sect. 6 of 52
Vict. No. 31.

16 Crown land which is the subject of a contract to purchase the same shall be liable to taxation under the provisions of this Act; and every purchaser of Crown land on credit shall be deemed the owner of such land for the purposes of this Act, and shall be liable to the payment of the Tax imposed by this Act.

Purchaser of
Crown land on
credit liable to
Tax.

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A.D. 1905.

Sect. 7 of
52 Vict. No. 31,
as enacted by
Sect. 4 of
62 Vict. No. 51.
Certain lands
exempt from
taxation under
this Act.
Sect. 8 of 52
Vict. No. 31.

Provided that Crown land situate beyond the limits of any Town which is the subject of a contract to purchase the same on credit shall, until One-half of the purchase-money of such land has been paid or is due, be exempt from taxation under the provisions of this Act.

17 The following lands are hereby exempted from taxation under this Act; namely—

- i. Lands of the Crown which, for the time being, are not subject to lease, agreement for sale, or right of purchase :
- ii. Any land the property of and occupied by or on behalf of His Majesty :
- iii. Any land of the Crown held under any lease or licence granted under the provisions of any Act regulating the occupation by lease or licence of any lands of the Crown for any purpose in such Act mentioned :
- iv. The Botanical Gardens at *Hobart* :
- v. The Public Gardens at *Launceston* :
- vi. Public Roads, Public Cemeteries, not being the property of any Joint Stock or Public Company, and all Public Reserves and Recreation Grounds :
- vii. Land on which is built any Hospital, Benevolent Asylum, or other building used solely for charitable or religious purposes, or vested in trust for public purposes :
- viii. Land on which is built the *Tasmanian Museum* :
- ix. Land on which is built any Public Library or Public Museum :
- x. Land on which is built any State School under the Education Department :
- xi. Any land the property of any Registered Society" or "Registered Branch" within the meaning of *The Friendly Societies Act, 1888* :
- xii. Any land owned by any Local Authority, or other Local Governing or Statutory Public Body

PART III.

DISTRIBUTION OF BURDEN OF TAXATION.

Liability of
taxpayer.

18 Every taxpayer shall be liable to the Treasurer for the full payment of the whole amount of the Tax.

Distribution of
burden.

19 In any case where Two or more persons are the owners of land as joint tenants, tenants in common, co-partners, co-trustees, or on a joint account, the burden of the Tax in respect of such land shall, as between such persons, be distributed amongst them in the relative proportions of the value of their shares or interests in the land taxed. And every taxpayer who shall have paid any Land Tax shall be entitled to recover from every other taxpayer in respect of the Land Tax of the same land a proper proportion of the amount paid.

Land Tax Consolidation.

20 Every taxpayer who shall pay any Land Tax or any contribution thereto in any representative capacity shall be entitled to recover from the persons entitled to the land taxed in the proportions in which they shall be so entitled, or to retain out of any money that shall come to him in his representative capacity such a sum as shall indemnify him against the payments which by this Act he is required to make in his representative capacity.

A.D. 1905.

Indemnity to
representative
taxpayer.
Cf. Sect. 20 of 52
Vict. No. 31.

21—(1.) The owner of any land which is subject to a mortgage, and who has made, or is or may be liable to make, any payment by way of interest in respect of such mortgage during any year for which such owner is required to pay the Tax imposed by this Act, may furnish to the Commissioner such particulars as the Commissioner may require in respect of such mortgage, and such owner, upon satisfying the Commissioner of the existence of such mortgage, and the amount of interest payable or paid in respect of such mortgage for the year for which such owner is required to pay the Tax imposed by this Act, shall be entitled to deduct from the amount of the Tax demanded from him by the Commissioner One-sixth of a Penny for every Pound of the total amount of the money advanced on such mortgage.

Owner of land
under mortgage
may claim
deduction in
respect of
mortgage.
Sect. 3 of
59 Vict. No. 21.

(2.) Every claim for any deduction from the Tax demanded from the owner of any land under the provisions of this Act shall be made within Thirty days after the delivery of the demand; and if any owner fails or neglects to make his claim for a deduction within such Thirty days he shall not be entitled to any such deduction as aforesaid.

Claim to
deduction to be
made within 30
days of demand.
Sect. 4 of
59 Vict. No. 21.

22 In every case in which a rent-charge is payable in respect of any land and the owner or other person liable to pay the same has paid the Tax or Taxes payable in respect of such land, such owner or other person as aforesaid shall be entitled to recover from the person entitled to receive such rent-charge a sum which shall bear the same proportion to the whole amount of such Tax or Taxes as such rent-charge bears to the annual rent which a tenant might be reasonably expected to pay for such land as if such sum were money paid to the use of the person to whom such rent-charge is payable, or such sum may be deducted from or set off against the amount of such rent-charge then due or thereafter to become due.

Deduction from
rent-charge on
account of Tax
paid.
Sect. 11 of
53 Vict. No. 19.

23 Where in any case the owner of any land is liable to the payment in the first instance of any Tax imposed by this Act on such land, and such owner is not resident in *Tasmania* or is unknown or cannot be found, the occupier or occupiers of such land, if more than one, shall be liable and compellable to pay such Tax, and every such occupier is hereby empowered to deduct from the rent payable by him to such owner for the use and occupation of such land the amount of the Tax so paid by or recovered from such occupier in respect of such land; and if such land is unoccupied, the trustee or agent or receiver having the receipt of the rent or annual value of such land shall be

Where owner
cannot be found
Tax may be re-
covered from
occupier.
Sect. 12 of 52
Vict. No. 31.

Land Tax Consolidation.

A.D. 1905.

liable and compellable to pay such Tax to the extent of the rent or annual value of such land received by him during the year preceding the day on which such Tax is payable.

Married women having separate property.

Sect. 47 of 52 Vict. No. 31.

Person other than owner, &c., in possession under lease may deduct from rent payable by him a proportionate part of Tax. Cf. Sects. 13 and 14 of 52 Vict. No. 31.

24 Any married woman having, or being entitled to any property to her sole or separate use, shall be chargeable with and liable to pay the like Taxes, and in like manner as if she were unmarried.

25 Where any person (other than the owner of any land, or the attorney or agent of the owner) in possession of such land under any lease or other instrument conferring possession of such land for any term not less than Ten years, shall be liable to the payment of any rent or other periodical payment less than the annual rent that could be reasonably demanded for the use and occupation of such land, and shall have paid the Tax or Taxes in respect of such land, he shall be entitled to recover from the person entitled to receive such rent or other periodical payment a sum which shall bear the same proportion to the whole amount of the Tax or Taxes as such rent or other payment payable by such person bears to the annual rent which a tenant might be reasonably expected to pay for such land, as if such sum were money paid to the use of such person entitled, or such sum may be deducted from or set off against the rent or other payment then due or thereafter to become due.

PART IV.**OFFICERS.**

This Part of Act to be subject to Public Service Act.

26 This Part of this Act shall be construed with and be subject to the provisions of any Act for the time being in force regulating the Public Service of *Tasmania* (hereinafter referred to as "any such Public Service Act").

Commissioner of Taxes.

27—(1.) The collection and recovery of all Taxes imposed by this Act shall be under the control, direction, and management of an officer, to be styled the Commissioner of Taxes.

Governor to appoint Commissioner. Cf. Sect. 21 of 52 Vict. No. 31.

(2.) The Governor may, subject to the provisions of any such Public Service Act, from time to time, appoint, remove, or suspend any such Commissioner.

(3.) Whenever any such Commissioner dies, resigns, or becomes incapable to act, or is removed or suspended, the Governor may, subject to the provisions of any such Public Service Act, appoint in his place, either permanently or temporarily, another fit and proper person to be Commissioner.

(4.) The person who at the commencement of this Act holds the office of Commissioner of Taxes under any Act hereby repealed shall be deemed, without further appointment, to have been duly appointed to hold that office under this Act.

Land Tax Consolidation.

28—(1.) The Governor may, subject to the provisions of any such Public Service Act, from time to time—

- i. Appoint and employ such collectors and other officers as are necessary for the proper administration or for the purposes of this Act :
- ii. Assign to any one he so appoints to office or employs such duties and functions as he thinks fit :
- iii. Suspend from office or remove any one so appointed, and appoint another in his place.

A.D. 1905.
Appointment of collectors and other officers.
Cf. Sect. 22 of 52 Vict. No. 31.

(2.) Every person who at the commencement of this Act holds any office or appointment by virtue of any Act hereby repealed shall be deemed, without further appointment, to be duly appointed under this Act.

(3.) All the powers and duties vested in or imposed upon the Commissioner by this Act, are hereby vested in and imposed upon the Collector at *Launceston* ; and such powers and duties may be exercised by such Collector in the same manner as such powers and duties are exerciseable by the Commissioner.

PART V.**DEMAND AND RECOVERY OF TAX BY JUDGMENT, DISTRESS, OR ORDINARY PROCESS.**

29—(1.) Before legal proceedings are taken for the recovery of any Tax under this Act the Commissioner or a Collector shall forward a demand in writing by the post, addressed to the usual or last known place of abode of the person liable to pay the same, setting forth in such demand the amount of Tax due, the place where the same is to be paid, the hours of the day between which such payment is to be made, and the place where and date when such demand is posted.

Demand of Tax may be sent by post.
Cf. Sect. 29 of 52 Vict. No. 31.

Whenever any such demand is sent by the post the Commissioner or Collector shall retain a duplicate of the demand ; and the production by the Collector of such duplicate shall be evidence of the demand having been delivered to the person to whom it is addressed on the day on which such demand would, in ordinary course of post, have been received at the Post Office where letters addressed as aforesaid would be finally received for delivery. Any notice required to be given to any person may, if the whereabouts or usual or last known place of abode or business in *Tasmania* of such person is not known to the Collector issuing the notice, be affixed to some conspicuous part of the land in respect of which the Tax is demanded, and it shall not be necessary in any notice to any owner of any land to mention such owner by name.

(2.) Where any person shall be the owner or occupier of more properties than one, it shall be lawful for the Commissioner or Collector to set forth in the demand in writing mentioned in the last preceding Section the total amount of Tax payable by such person in respect of all the properties owned or occupied by him, naming in such demand the

Several properties may be included in one demand.
Sect. 30 of 52 Vict. No. 31.

A.D. 1905.

If Tax so demanded not paid within 28 days after demand proceedings may be taken.
Sect. 31 of 52
Vict. No. 31.

Collector may in all cases name a place for payment of Tax.
Sect. 32 of 52
Vict. No. 31.

**Unpaid Tax
may be recovered
by judgment in
Supreme Court.
Sect. 34 of 52
Vict. No. 31.**

Be it remembered that Attorney-General of
our said Lord the King, for said Lord the King, gives the
Court here to understand and be informed that
is indebted to our said Lord the King in the sum of
by virtue of " The Land Tax Act, 1905 :". Therefore on the
day of it is considered by the Court here
that our said Lord the King do recover against the said
the said sum, and also the sum of Ten
Shillings for costs, making altogether the sum of

Or may be levied
by distress.
Sect. 35 of 52
Vict. No. 31.

33 If any Tax shall be in arrear after the expiration of the said period of Twenty-eight days, the Commissioner or any person authorised by the Commissioner may thereupon, without any warrant, enter upon any land or into any building occupied by any person liable to the same Tax, and on whom a demand to pay the same has been served in accordance with the provisions of this Act, and demand from such person liable as aforesaid, immediate payment of the Tax in arrear, together with such reasonable costs of the person so entering as the Commissioner may authorise, and in default of payment thereof

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forthwith, such person may distrain all goods and chattels found in or upon any premises so entered by him as aforesaid; and if the sums for which the distress is taken, together with all reasonable costs thereof, or in relation thereto, be not paid within Five days after the distress has been made, then the said distress, or so much as shall be sufficient to pay such Tax and costs, may be sold, and any overplus shall be returned to the owner of the goods.

A.D. 1905.

34—(1.) Upon being required so to do by the Commissioner or any person acting under his authority, all police officers and constables shall—

Police to render assistance.
Cf. Sect. 36 of 52 Vict. No. 31.

- i. Obtain and furnish such information as may be required :
- ii. Serve any notices or documents :
- iii. Aid in collecting and recovering any Tax and in making distresses or sales :
- iv. Assist in carrying out the provisions of this Act.

(2.) Any police officer or constable refusing to comply with any of the provisions of this Section shall forfeit and pay a penalty not exceeding Five Pounds.

35 If any Tax payable under this Act shall be in arrear after the expiration of the said period of Twenty-eight days, the Commissioner without prejudice to any right to recover or enforce payment of such Tax in any other way, may sue for and recover the same in any Court of competent jurisdiction, and any action therefor may be maintained in the name of the Commissioner of Taxes without specifying the name of the person holding the office, and shall not be liable to be abated by any vacancy or change occurring in the office of Commissioner of Taxes or otherwise.

Recovery by ordinary process.

PART VI.**RECOVERY OF TAXES BY LETTING AND SALE OF LAND.**

36 The Land Tax imposed by this Act shall, by force of this Act and without registration, be a first charge upon the land taxed, in priority to all rates, mortgages, charges, liens, and encumbrances whatsoever; and notwithstanding any disposition of any land, it shall continue to be liable in the hands of any purchaser or holder thereof for the payment of the Tax so long as the same remains unpaid.

Land Tax to be a first charge upon the land.
Cf. Sects. 37 & 45 of 52 Vict. No. 31.

37 Whenever the Land Tax payable in respect of any land shall have been in arrear for the space of Six months or upwards, it shall be lawful for the Commissioner to cause to be published for Three consecutive weeks in the *Gazette* and in Three consecutive numbers of one or more newspapers a notice, specifying such land and the amount of Taxes due in respect thereof, and stating that if such Taxes be

Notice of intention to let or sell.
Sect. 38 of 52 Vict. No. 31.

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—

not paid within Six months from the first publication of such notice, the Commissioner will let the land, from year to year as provided by this Act, or will apply to the Supreme Court for a sale thereof.

Commissioner
may let from year
to year.
Sect. 39 of 52
Vict. No. 31.

38 If after Six months from the first publication of such notice all or any part of the said Taxes due at the time of such first publication are still unpaid, the Commissioner may let such land, or any part thereof, from year to year, and may receive the rents and profits thereof and apply the same towards the payment of the said Taxes, and costs and expenses, and hold any surplus in trust for the rightful owner of such land.

Commissioner
may apply to
Supreme Court
for sale.
Sect. 40 of 52
Vict. No. 31.

39 If after Two years from the first publication of such notice all or any part of the said Taxes due at the time of such first publication are still unpaid, the Commissioner, instead of letting such lands, may by petition to the Supreme Court, or a Judge thereof, apply for a sale of the land described in such notice, or of so much thereof as may be necessary to produce the amount of Tax due in respect thereof, and the Court or Judge, on being satisfied by affidavit or otherwise that Six calendar months' notice of such petition has been served on the owner of such land, or left at his usual or last known place of abode in *Tasmania*, and that the arrears are lawfully due and were in arrear at the time of the first publication of such notice in the *Gazette*, and that all things required by this Act to be done by the Commissioner have been done, shall order the sale of the said land or so much thereof as shall be sufficient to pay all arrears due up to the time of sale, together with all costs of and attending the application and of and attending the sale of such land, and that the proceeds be paid into Court.

Application of
proceeds of sale.
Sect. 41 of 52
Vict. No. 31.

40 The Court or a Judge shall order payment of the said Taxes, costs, and expenses to be first made out of the proceeds of the sale; and the conveyance or transfer, as the case may be, shall be executed by the Registrar, or such other officer of the Court as the Court may direct, to the purchaser, his executors, administrators, and assigns, in such form as shall be approved by the Court or a Judge; and such conveyance or transfer shall vest the land sold in the purchaser for an estate in fee simple free from encumbrances, and in cases where the land is under *The Real Property Act* the purchaser shall be entitled to receive a Certificate of Title to the land purchased; and the balance arising from the proceeds of such sale shall be subject to any orders of the Court for the benefit of the parties interested therein.

25 Vict. No. 16.

Land Tax Consolidation.

A.D. 1905.

PART VII.**REGULATIONS.**

41—(1.) The Governor may from time to time make, alter, and revoke Regulations not inconsistent with this Act, for the following purposes, or any of them ; that is to say—

Governor
may make
Regulations.
Cf. Sect. 42 of
52 Vict. No. 31.

- i. Prescribing the duties of all persons engaged or employed in the administration of this Act :
- ii. Providing, where there is no provision in this Act, or no sufficient provision, in respect of any matter or thing necessary to give effect to this Act, in what manner and form the deficiency or insufficiency shall be supplied :
- iii. For any purpose, whether general or to meet particular cases, that may be desirable in order to carry out the objects and purposes of this Act, or to give effect to anything for which Regulations are contemplated or required by this Act :
- iv. Imposing a penalty not exceeding Ten Pounds for any breach of any Regulation.

(2.) General words in this Section shall not be limited or controlled by particular words.

42 All such Regulations shall be published in the *Gazette*, and thereupon shall have the force of law and be deemed to be part of this Act, and they shall be laid before both Houses of Parliament as soon as may be after the making thereof.

Regulations to be
published and
laid before
Parliament.

PART VIII.**MISCELLANEOUS.**

43—(1.) Every company owning land subject to taxation under this Act shall at all times be represented by a person residing in the State; and a place within the State shall be appointed from time to time by every such company as aforesaid at which any notice, process, or proceeding affecting the company under this Act may be served or delivered.

Companies to
name "Public
Officer" and
office at which
notices, &c., may
be served.
Sect. 16 of
52 Vict. No. 31.

(2.) Any notice, process, or proceeding which under this Act may be taken against any company, may be given to, served upon, or taken against the person representing the company as aforesaid, and if at any time there be no such person, then any such notice, process, or proceeding may be given to, served upon, or taken against any officer or person acting or appearing to act in the business or affairs of such company.

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Disputes may be settled by Judge in Chambers.

Cf. Sect. 43 of 52 Vict. No. 31 and Sect. 5 of 62 Vict. No. 51.

44—(1.) A Judge of the Supreme Court sitting in Chambers is hereby empowered to hear and summarily determine and settle any dispute or matter relating to any dispute—

- i. Concerning the liability or alleged liability of any person to payment of the Tax imposed by this Act: or
- ii. Arising between any persons whomsoever concerning any Tax payable under this Act or the distribution of the burden of any Tax.

And the decision of such Judge shall be final.

(2.) The Judge may in any such case make such order as he may deem to be just and the circumstances of the case shall require; and may make such order as to costs as he may think fit.

(3.) It shall be lawful for the Judges of the said Court to make such Rules from time to time as they see fit for regulating the mode of deciding all such disputes or differences, and for prescribing the forms to be used in connection therewith.

Judges to make Rules.

Sect. 44 of 52 Vict. No. 31.

Statute of Limitations not to affect proceedings for recovery of Tax.

Sect. 48 of 52 Vict. No. 31. Contracts to evade Tax void. Cf. Sect. 49 of 52 Vict. No. 31.

45 No Statute of Limitations shall bar or affect any action or other remedy for the recovery or enforcement of Taxes under this Act.

46 Every contract, agreement, or arrangement made or entered into, in writing or verbally, either before or after the commencement of this Act, shall be absolutely void in so far as, directly or indirectly, it has or purports to have the purpose or effect of in any way directly or indirectly altering the incidence of any Tax imposed by this Act, or relieving any person from liability to pay any such Tax, or defeating, evading, or avoiding any duty or liability imposed on any person by this Act, or preventing the operation of this Act in any respect.

Service of notices. Sect. 50 of 52 Vict. No. 31.

47 All notices by this Act required to be given by the Commissioner or any officer under this Act to the owner or occupier of any land or premises or any other person may, except as otherwise provided, be served personally upon such owner, occupier, or person, or left with some inmate of his place of abode, or by forwarding the same by post addressed to the usual or last known place of abode of such person.

Notices may be in writing or print. Sect. 51 of 52 Vict. No. 31.

48 Every notice, demand, or like document given by or on behalf of the Commissioner under this Act, or by any officer under this Act, may be in writing or in print, or partly in writing and partly in print, and shall be sufficiently authenticated if the name of the Commissioner or officer by whom the same is given shall be printed thereon.

Evidence. Cf. 64 Vict. No. 4, Sect. 64. 64 Vict. No. 4.

49 The production of any Assessment Roll, or of any document under the hand of any Assessor under "The Assessment Act, 1900," purporting to be a copy of or extract from any Assessment Roll, shall be conclusive evidence of the making of the Assessment; and, except in the case of proceedings in Appeal under "The Assessment Act, 1900,"

Land Tax Consolidation.

against the Assessment, when the same shall be *prima facie* evidence only, shall be conclusive evidence that the amount and all the particulars of such Assessment appearing in such Roll or document are absolutely correct; and in all questions and proceedings under this Act relating to the tax, and in all other proceedings whatsoever, it shall be sufficient to refer to an entry in the Assessment Roll in force for the time being under "The Assessment Act, 1900," for any District; and such entry shall be received as conclusive evidence that the value of the property specified therein is at the date of the reference, and has been from the commencement of the period to which such Assessment Roll applies, of the amount therein set forth; and such entry may be proved by an extract from the Assessment Roll purporting to be signed by any Assessor.

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50 If any person shall obstruct any officer acting in the discharge of his duties under this Act, or shall refuse or neglect to answer any lawful question put by any such officer relating to any land belonging to or occupied by such person, or shall give any false or evasive answer, he shall be liable to a penalty not exceeding Fifty Pounds.

Penalty for obstructing officers, &c.
Sect. 53 of
52 Vict. No. 31.

51 If any Company makes default in complying with any provision of this Act, such Company shall incur a penalty not exceeding Five Pounds for every day during which such default continues; and every director or manager or other officer or agent of the Company who knowingly and wilfully authorises or permits such default shall incur the like penalty.

Penalty on Company making default in complying with this Act.
Sect. 54 of
52 Vict. No. 31.

52 If any statement, declaration, or other document required by this Act is false in any particular to the knowledge of any person who signs the same, such person shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding Three years, or to a penalty not exceeding One hundred Pounds.

Penalty for making false statements, &c.
Sect. 55 of
52 Vict. No. 31.

53 Should the Commissioner fail to do any act or perform any duty in the execution of this Act within the time prescribed, he shall, as soon as may be after the time at which such act or duty should have been done or performed, do or perform the same or cause the same to be done or performed; and the performance of any such act or duty as aforesaid at any other than the prescribed time shall, notwithstanding such failure, be valid and effectual.

Time extended for doing certain acts.
4 Ed. VII. No.
22, s. 16.

54 All offences against this Act, or any Regulation, and all penalties and sums of money imposed or made payable by this Act, or by any Regulation, shall, where no other mode of procedure is provided, be heard, determined, and recovered in a summary way by and before a Police Magistrate or any Two Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.

Recovery of penalties.
Cf. Sect. 56 of
52 Vict. No. 31.
19 Vict. No. 8,

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Appropriation
of penalties.
Cf. Sect. 57 of
52 Vict. No. 31.

55 All penalties imposed under this Act, or any Regulation, and all costs (except those under this Act expressly made payable to any person acting under this Act) recovered from any person in any proceeding under this Act, shall be paid to the Treasurer, and shall form part of the Consolidated Revenue Fund.

Action against
officers, &c.
Cf. Sect. 58 of
52 Vict. No. 31.

56 Unless otherwise expressly provided, no action shall lie against any officer or any other person for anything done in pursuance of this Act, unless notice in writing of such action is given to the defendant at least One month before the commencement of the action.

SCHEDULE.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>
52 Vict. No. 31	"The Land Tax Act, 1888"
53 Vict. No. 19	"The Land Tax Amendment Act, 1889"
54 Vict. No. 24	"The Land Tax Amendment Act, 1890"
56 Vict. No. 7	"The Land Tax Amendment Act, 1892"
58 Vict. No. 2	"The Land Tax Amendment Act, 1894"
59 Vict. No. 21	"The Land Tax Act, 1895"
62 Vict. No. 51	"The Land Tax Amendment Act, 1898"
63 Vict. No. 24	"The Land Tax Act, 1899"
2 Edward VII. No. 31	"The Land Tax Amendment Act, 1902"

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 5.



AN ACT to amend "The Women and Children Employment Act, 1884." [12 October, 1905.] A.D. 1905. —

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

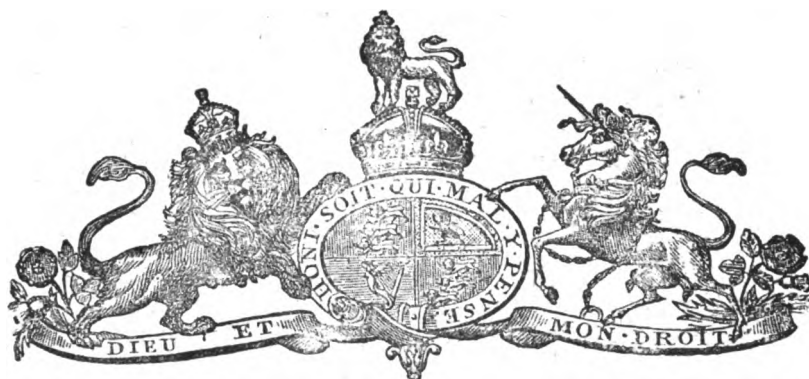
1 This Act may be cited as "The Women and Children Employment Act, 1905." Short title.

2 Section Five of "The Women and Children Employment Act, 1884," is hereby repealed, and the following Section enacted in its place, to be read as Section Five of the said Act :—

5 No person under the age of Thirteen years shall be employed in any factory."

JOHN VAIL,
GOVERNMENT PRINTER, TASMANIA.

T A S M A N I A .



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 6.

AN ACT to further amend "The *Glenorchy* Water Act, 1890." [12 October, 1905.] A.D. 1905. —

WHEREAS under and by virtue of "The *Glenorchy* Water Act, 1890," and of various Acts amending the said Act, the Trustees of the *Glenorchy* Water District have authority to borrow the sum of Seventeen thousand Pounds, of which sum they have borrowed the sum of Fifteen thousand seven hundred Pounds: PREAMBLE.
54 Vict. No. 51.

And whereas under various Acts the Governor in Council is empowered to grant to the said Trustees the sum of Ten thousand six hundred Pounds subject to the provisions of "The Local Public Works Loans Act, 1890," of which said sum there has been granted to the said Trustees the sum of Nine thousand seven hundred Pounds: 54 Vict. No. 30.

And whereas the Trustees desire to extend their mains and pipes to *Derwent Park*, and also to raise the level of the embankment of their present Reservoir, and also to lay down an additional main from the said Reservoir to the Main Road passing through the Town of *Glenorchy*, and also to be able to carry out other works:

And whereas for the purposes aforesaid it is desirable that the said Trustees should be authorised to borrow the sum of One thousand seven hundred Pounds in addition to the sum of One thousand three

4d.]

Glenorchy Water Act Amendment.

A.D. 1905.

hundred Pounds which they now have authority to borrow, and that the Governor in Council should be empowered, under and subject to the provisions of the last mentioned Act, to grant to the said Trustees the sum of Two thousand one hundred Pounds in addition to the sum of Nine hundred Pounds which he is now empowered to grant :

And whereas it is expedient to further amend "The *Glenorchy Water Act, 1890*," in the manner hereinafter appearing :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Short title.

1 This Act may be cited for all purposes as "The *Glenorchy Water Act Amendment Act, 1905*."

Interpretation.
54 Vict. No. 51.

2 In the construction and for the purposes of this Act, unless the context otherwise determines—

The expression "the said Acts" shall mean "The *Glenorchy Water Act, 1890*," and every Act amending "The *Glenorchy Water Act, 1890* " :

The expression "the Trustees" shall mean the Trustees for the time being of the *Glenorchy Water District* :

The expression "the Water District" shall mean the *Glenorchy Water District* as described and set forth in the Schedule (1.) of "The *Glenorchy Water Act, 1890*."

Trustees may
borrow.

3 It shall be lawful for the Trustees to borrow and take up at interest, in the manner directed by the said Acts, or in accordance with the provisions of this Act, such sum or sums of money, not exceeding One thousand seven hundred Pounds in the whole, further and in addition to the sum or sums by the said Acts authorised to be borrowed, as shall from time to time be necessary for effectuating the objects authorised by the said Acts.

Governor in
Council may
advance money.
54 Vict. No. 30.

4 It shall be lawful for the Governor in Council, under and subject to the provisions of "The *Local Public Works Loans Act, 1890*," to grant to the Trustees for the purpose of effectuating the objects authorised by the said Acts any sum or sums of money not exceeding Two thousand one hundred Pounds in the whole, further and in addition to the sum or sums of money which the Governor in Council is authorised by the said Acts to grant to the Trustees ; and such moneys shall be defrayed out of moneys to be provided by Parliament for that purpose. Provided that the proviso to Section Two of "The *Local Public Works Loans Act, 1890*," shall not apply to the loan of the said sum of Nine hundred Pounds heretofore authorised to be granted to the Trustees, nor to the loan of the said sum of Two thousand one hundred Pounds hereby authorised to be granted to the Trustees under the provisions of the last mentioned Act ; but before any part of the said respective sums of Nine hundred Pounds and Two thousand one hundred Pounds shall be advanced to the Trustees, plans and specifi-

Glenorchy Water Act Amendment.

cations of the proposed works, together with a report by the Engineer-in-Chief upon the necessity of such works and the probable cost thereof, the sufficiency of the plans and specifications, and of all contracts in respect of all or any of such works, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in the said report, and that the works can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor in Council.

A.D. 1905.

5 Nothing in the said Acts or in this Act shall be deemed to authorise the Trustees to raise by way of loan a sum exceeding Eighteen thousand seven hundred Pounds in the whole: Provided that if after having borrowed any sum or sums of money under the authority of the said Acts or of this Act the Trustees shall pay off the same or any part thereof, it shall be lawful for the Trustees again to borrow under the provisions of the said Acts or this Act the amount so paid off, and so from time to time.

Limitation of amount to be borrowed by Trustees.

6 The Trustees shall not proceed in the matter of borrowing any sum of money under the authority of this Act until and after a Poll has been taken of the landholders of the Water District for the purpose of ascertaining whether the Trustees shall be permitted to proceed in the matter of borrowing such moneys. If at the taking of such Poll a less number than Two-thirds of the votes then recorded shall be in favour of the Trustees proceeding to borrow any sum of money under this Act, the Trustees shall not proceed to borrow any such money: Provided that in the event of there not being the necessary number of votes recorded at such Poll in favour of the Trustees borrowing such money, the Trustees may at any time after the expiration of Three months cause another Poll of the landholders to be taken; and, if at any subsequent Poll the necessary number of votes is obtained, the Trustees may proceed to borrow such money.

Poll to be taken before money borrowed.

7 Every Poll of landholders taken under the provisions of this Act shall be taken in the same manner as a Poll taken for the election of Trustees of the Water District, and every landholder shall be entitled to the same number of votes as the number which he is entitled to use at an election of a Trustee of the Water District; and the Ballot-papers to be used in the taking of every such Poll shall be in the form set forth in the Schedule to this Act.

Method of taking Poll.

8 When the Trustees shall decide to take a Poll of landholders as aforesaid, they shall cause an advertisement of such Poll to be inserted not less than Three times in a daily newspaper circulating in the Water District, and Once in the *Gazette*; and such advertisement shall contain the following particulars:—

Notice of Poll.

- i. The time and place of such Poll:
- ii. The works proposed to be constructed or performed by the Trustees:
- iii. The estimated cost of such works.

Glenorchy Water Act Amendment.

A.D. 1905.

Acts to be read
together.

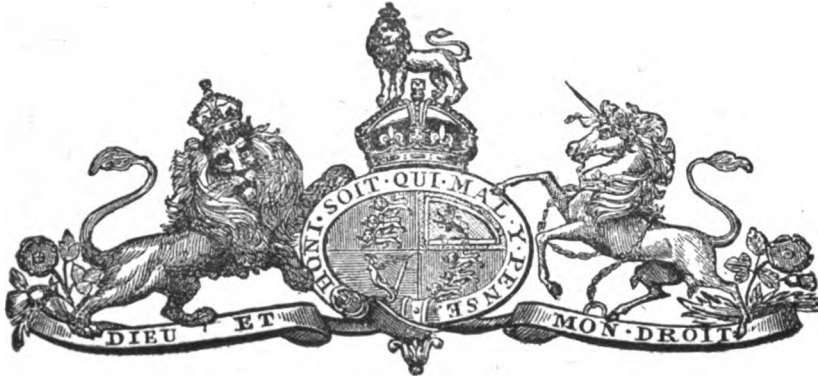
9 This Act and the said Acts shall, save as altered or amended by this Act, be read and construed together as one and the same Act, and the said Acts and this Act may be referred to and cited for all purposes as "The *Glenorchy* Water Acts, 1890 to 1905."

SCHEDULE.

BALLOT-PAPER.**FOR.****AGAINST.**

If you are in favour of the proposed Loan you will strike out the word "Against," and if you are opposed to the proposed Loan you will strike out the word "For."

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 7.



AN ACT to amend "The Bills of Exchange Act, 1884." A.D. 1905.
[12 October, 1905.] —

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Bills of Exchange Act, 1905," and shall be incorporated and read with "The Bills of Exchange Act, 1884" (hereinafter called the Principal Act). Short title and construction.

2 For the purposes of Section Sixty of the Principal Act a banker who carries on the business of banking at more than one place shall be deemed to be a separate and independent banker at each of such places. Branch banks deemed separate institutions for certain purposes. 4 Ed. VII. No. 1925(Vic.), Sect. 2. 4 Ed. VII. No. 867(S.A.), Sect. 2.

4d.]

Bills of Exchange Act Amendment.

A.D. 1905.

Protection to
banker where
crossed cheque
credited to cus-
tomer before
collection.
Ib., Sect. 3.

3 A banker shall not be deemed to be disentitled to the benefit of the provisions of Section Eighty-two of the Principal Act by reason only of the fact that, before receiving payment for a customer of a cheque crossed either generally or specially to such banker, he has credited the account of the customer with the amount of such cheque.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 8.

AN ACT to enable Bodies Corporate to hold A.D. 1905.
Property in Joint Tenancy.
[12 October, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1.) A body corporate shall be capable of acquiring and holding any real or personal property in joint tenancy in the same manner as if it were an individual; and where a body corporate and an individual, or Two or more bodies corporate, become entitled to any such property under circumstances or by virtue of any instrument which would, if the body corporate had been an individual, have created a joint tenancy, they shall be entitled to the property as joint tenants.

Cf. 62 & 63 Vict.
c. 20, s. 1.
No. 1784 of 1902
(Vic.).
Power for corporations to hold
property as joint
tenants.

Provided that the acquisition and holding of property by a body corporate in joint tenancy shall be subject to the like conditions and

Ib., Sect. 2.

4d.]

Bodies Corporate (Joint Tenancy).

A.D. 1905.
—

restrictions as attach to the acquisition and holding of property by a body corporate in severalty.

(2.) Where a body corporate is joint tenant of any property, then on its dissolution the property shall devolve on the other joint tenant.

Short title.

2 This Act may be cited as “The Bodies Corporate (Joint Tenancy) Act, 1905.”

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 9.



AN ACT for the Regulation of the Public Service. A.D. 1905.
[12 October, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Public Service Act, 1905,” and shall come into operation on a date to be fixed by the Governor by Proclamation. Short title.

2 In this Act, unless the contrary intention appears—

Interpretation.

“Bankruptcy” includes liquidation by arrangement or composition with creditors :

“Board” means the Public Service Board appointed under this Act :

“Commonwealth” means the Commonwealth of *Australia* :

“Department” means any Department at any time established by the Governor under this Act :

2s. 2d.]

Public Service.

A.D. 1905.

“*Gazette*” means the *Hobart Gazette* :“*Grade*” includes position or office :“*Minister*” means the responsible Minister of the Crown for the time being administering the Department in which the officer or person in connection with whom the term used, or applicable, is employed or proposed to be employed :“*Officer*” means and includes all persons employed in any capacity in those branches of the Public Service of *Tasmania* to which this Act applies :“*Permanent Head*” means the Permanent Head, as defined in Section Seventeen of this Act, of the Department wherein is employed or proposed to be employed any officer or person in connection with whom the term is used or is applicable :“*Prescribed*” means prescribed by this Act or any Regulation thereunder :“*Public Service*” means the Public Service of *Tasmania*, as defined in Section Three of this Act :“*Regulations*” means the Public Service Regulations for the time being in force under this Act :“*State*” means the State of *Tasmania* :“*This Act*” includes the Regulations made thereunder.Non-application
of Act to certain
officers.

3 The Public Service of *Tasmania* shall comprise all persons employed in any capacity in the Public Service of the State of *Tasmania* : Provided that, unless otherwise expressly provided, there shall not be included therein, nor shall this Act apply to—

- i. The Judges of the Supreme Court of *Tasmania* : or
- ii. The Agent-General : or
- iii. The Auditor-General : or
- iv. The Railway Department : or
- v. The Inspectors and Teaching Staff of the Education Department : or
- vi. The Members of the Police Force : or
- vii. Any honorary officer : or
- viii. Any officer the right to appoint whom is not vested in the Governor : or
- ix. Any officer remunerated by fees, allowances, or commission only : or
- x. Any examiner under this Act who is not an officer : or
- xi. Any officer or class of officers to whom or to which on the recommendation of and for special reasons assigned by the Board the Governor declares that the provisions of this Act shall not apply ; and the Governor may on the recommendation of the Board so exclude the application of this Act, either for a specified time or indefinitely, and may exclude the application of the whole of the Act or any specified provisions thereof

Public Service.

4 This Act is divided into Four Parts, namely :—

Part I.—Administration.

Part II.—Divisions of Public Service and Appointments.

Part III.—Internal Administration.

Part IV.—Miscellaneous.

A.D. 1905.

Division of Act.

PART I.

ADMINISTRATION.

Public Service Board.

5—(1.) For the purposes of this Act there shall be a Public Service Board, constituted in manner following ; that is to say :—

Appointment of Board.

- i. The Board shall consist of Three members :
- ii. Two of such members, not being officers in the employment of the Government of *Tasmania*, or any other Government, shall from time to time be appointed by the Governor for a period of Five years, and shall be eligible for re-appointment : and
- iii. One of such members (hereinafter called the elective member) shall be elected by the officers of the Public Service, and shall hold office, subject to the provisions of this Act, for a period of Five years, and be eligible for re-election. Every election of the elective member shall be by ballot, and shall be conducted in all respects in accordance with Regulations to be prescribed by the Governor : Provided, that until the election of the first elective member of the Board the Governor may appoint a person to act as a member of the Board, and the person so appointed shall retire as soon as the elective member is elected.

(2.) The Board shall have the powers and authority, and exercise the duties and functions in this Act vested in or imposed upon it, and shall, in addition, perform such other duties as may from time to time be imposed upon it by the Governor ; and shall submit for the consideration of the Governor reports as to any matters requiring to be dealt with by the Governor under this Act or the Regulations.

Powers of Board.

(3.) Any Two members of the Board shall be a quorum, and, subject to the next following provision, shall have all the powers and authority by this Act conferred upon the Board.

Quorum.

(4.) If at any meeting of the Board Two members only are present, and such members differ in opinion upon any matter, the determination of such matter shall be postponed until all the members are present.

Differences of opinion of any Two members when sitting as Board.

(5.) The Board shall keep minutes of its proceedings in such manner and form as the Governor directs.

Minutes.

Public Service.

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Deputy to act for
absent Member.

Cf. Com. P.S.

Act, s. 5, s.s. (4.).

No action to lie.

Cf. *ibid.*, s.s. (5.)Remuneration of
Members.Member may be
suspended.

2 Edw. VII. No.

31, s. 8 (N.S.W.).

Cf. Com. P.S.

Act, s. 6.

Vacation of office.

2 Ed. VII. No.

31, s. 8 (N.S.W.).

Cf. Com. P.S.

Act, s. 7.

Members remain
in office until suc-
cessors elected or
appointed.

(6.) In case of the illness, suspension, or absence of any member of the Board, the Governor may appoint a deputy to act for such member during his illness, suspension, or absence, and every such deputy shall during the time he acts as deputy have all the powers and authority of such member.

(7.) No action or suit shall be brought or maintained against any person who is, or at any time has been, a member of the Board for any nonfeasance or misfeasance in connection with the duties imposed upon him by this Act, nor shall any action, suit, or other proceeding lie, nor any costs be payable, in respect of any proceeding before the Board.

(8.) Each of the Three members of the Board shall receive in each and every year during the time he holds office, by way of recompense, such allowance (as from the date of his appointment) as may be approved by the Governor and authorised by Parliament, and such allowance shall be a charge upon and be paid out of the Consolidated Revenue Fund, a special appropriation from which shall be made for that purpose.

6—(1.) A member of the Board may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The Governor shall cause to be laid before Parliament a full statement of the grounds of suspension within Seven days after such suspension, if Parliament is in session and actually sitting, or if Parliament is not in session or not actually sitting, then within Seven days after the commencement of the next session or sitting.

(2.) A member of the Board suspended under this Section shall be restored to office by the Governor unless each House of Parliament within Twenty-one days after such statement is laid before it declares by resolution that the said member ought to be removed from office, and if each House within the said time so declares, the said member shall be removed by the Governor accordingly.

7 A member of the Board shall be deemed to have vacated his office if—

- i. He becomes bankrupt, compounds with his creditors, or makes an assignment for their benefit: or
- ii. He absents himself from Three consecutive meetings of the Board, except on leave granted by the Governor, or becomes incapable of performing his duties: or
- iii. He resigns his office by writing, under his hand, addressed to the Governor, and such resignation is accepted by the Governor.

8 In the event of any delay occurring in the election or appointment of the successor of any member of the Board who would otherwise retire from office in consequence of the expiration of the period for which he was elected or appointed, such member shall continue in office until his successor has been duly elected or appointed under the provisions of this Act.

Public Service.

9 Every election (whether periodical or extraordinary) of an elective member of the Board shall be held on a day to be fixed by Proclamation signed by the Governor, and published in the *Gazette*.

A.D. 1905.

—
Date of elections
to be fixed by
Proclamation.
Extraordinary
vacancies.

10 Any vacancy in the office of a member of the Board, occasioned by the death or removal of a member, or by any of the causes set forth in Section Seven of this Act, or by any other cause whatsoever other than the retirement of a member at the expiration of the period for which he was appointed or elected, shall be filled up within one month (or such further period as the Governor may prescribe) after such vacancy shall have occurred, by the election, or appointment, as the case may be, of a new member in the same manner as if such vacancy had been occasioned by the retirement of the member whose place has become vacant, at the expiration of the period for which he was elected or appointed; and such new member shall hold office as long as the person in whose place he is elected or appointed would have held office had he continued in office, and no longer.

11 Whenever there is a failure to fill any vacancy in the office of a member of the Board in accordance with any of the provisions hereinbefore contained, or any vacancy arises in the office of a member which cannot otherwise be filled, the Governor may appoint a person to be a member to fill such vacancy.

Governor may
fill up vacancies
that cannot other-
wise be filled.

12 The Governor shall appoint one of the members of the Board to be Chairman during the pleasure of the Governor, and the Chairman shall be the medium of communication with any Minister, and in the absence of the Chairman from any meeting the members present may elect one of their number to preside. The Chairman shall have a deliberative vote only.

Chairman.

13 The Board may from time to time, with the approval of the Governor, select a fit and proper person, who is permanently employed by the Government of the State, as and to be Secretary to the Board, who shall keep such minutes of the proceedings of the Board, and perform such duties and keep such records as he may be from time to time directed to do by order of the Board, and such Secretary shall be entitled to receive from the Consolidated Revenue Fund such salary as the Governor from time to time approves.

Secretary to the
Board.

14—(1.) As often as may be necessary to carry out the directions and provisions of this Act, and ensure the establishment and continuance of a proper standard of efficiency and economy in the Public Service, the Board shall, as far as practicable, personally inspect each Department, and investigate the character of the work performed by every officer therein, and the efficiency, economy, and general working of each Department both separately and in its relation to other Departments and may for such purpose examine the Permanent Head of any Department and such other witnesses as may appear to the Board to be necessary.

Board to inspect
Departments.
Cf. *ibid.*
(N.S.W.), s. 9.
Cf. 4 Edw. VII.
No. 41, s. 9
(W.A.).

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Board may
delegate powers.Cf. *ibid.*

(N.S.W.), s. 11.

Cf. *ibid.* (W.A.),
s. 12.Board to propose
changes of officers
or re-arrange-
ment of work.Cf. *ibid.* (W.A.),
s. 9, s.s. (2.).Cf. Com. P.S.
Act, s. 8.Cf. *ibid.* (W.A.),
s. 9, s.s. (3.).

s.s. (4.).

Alteration of staff
of any Depart-
ment.*Ibid.* (W.A.),
s. 9, s.s. (6.).*Ibid.* Com. P.S.
Act., s. 8, s.s. (4.).

Excess officers.

Record of officers
to be kept and
gazetted.Cf. *ibid.* (W.A.),
s. 13.Cf. Com. P.S.
Act, s. 9.

(2.) For the purpose of conducting an inquiry or investigation under the authority of this Act outside of *Hobart*, at which it may be inconvenient for all the members of the Board to be present, the Board may delegate any of its powers or functions to any one member of the Board, or with the approval of the Governor to any fit person or persons; but the report or decision upon any such enquiry or investigation shall be made by a majority of the Board.

(3.) The Board may from time to time propose to the Governor any particular disposition of officers and offices, and the division or class subdivision of class or grade of every officer and re-arrangement or improved method of carrying out any work which appears to the Board necessary or expedient for the more economic, efficient, or convenient working of any Department, and such proposal shall be considered and dealt with by the Governor.

(4.) If the Governor does not approve of any proposal, it shall be the duty of the Board to reconsider such proposal, and within a time to be specified by the Governor to submit another proposal. Such fresh proposal shall be considered and dealt with by the Governor.

Where the Governor does not approve of any proposal, a statement of the reasons for not approving and for requiring a fresh proposal shall be laid before the Parliament.

(5.) If the Board finds that more officers are employed in any class or grade in a Department than may be determined to be necessary for the efficient working of such Department, such officers as are in excess may be transferred by the Governor to some other Department; and no appointment or promotion of an officer shall be made to such class or grade in such first-mentioned Department until by transfer, retirement, dismissal, or death, the number of officers in the same class or grade is reduced below the number in such class or grade determined to be necessary for the efficient working of such Department.

(6.) If the services of any officer in excess in any Department are not likely to be required in any other Department, the Governor may retire such officer from the Public Service.

15—(1.) The Board shall recommend to the Governor for determination the division, class, sub-division of class or grade of every officer, and shall keep a record of all officers, showing with regard to each officer his age and length of service, the office he holds, and his division, class, subdivision of class or grade, and salary under this Act: Provided that where the Governor does not approve of any such recommendation, a statement of the reasons for not approving and for requiring a fresh recommendation shall be laid before Parliament.

(2.) The Board shall in the month of *February* in each year forward to the Governor and publish in the *Gazette* a list of all officers employed on the First day of *January* in such year, together with the particulars so recorded in respect to them, and showing the date of appointment of such officers. Such list shall be *prima facie* evidence of the information contained therein; and a copy of such list shall be laid before Parliament within Fourteen days of publication, or if Parliament

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is not sitting, then within Fourteen days after the commencement of the next sitting thereof. A.D. 1905.

16 The Board shall furnish to the Governor for presentation to the Parliament at least once in each year a report on the condition and efficiency of the Public Service and of the proceedings of the Board, and in such report there shall be set forth any changes and measures necessary for improving the method of the working of the Public Service, and especially for insuring efficiency and economy therein and in any Department or subdivision thereof. The Board shall in such report draw attention to any breaches or evasions of this Act which may have come under notice.

Board to report on state of Public Service to Governor.
Cf. 2 Ed. VII. No. 31, s. 12, (N.S.W.).
Cf. *ibid.* (W.A.), s. 14.
Cf. Com. P.S. Act, s. 11.

Permanent Head.

17—(1.) The Governor may, as soon as practicable after this Act comes into operation, fix by Proclamation the several Departments in the Public Service, and the Office in each of such Departments, the holder for the time being of which shall be the Permanent Head of the Department; and the Governor may at any time, by Proclamation, add to or diminish the number of Departments so fixed.

Governor to proclaim Departments.

(2.) The Permanent Head of a Department shall be held responsible for its discipline, general working, and efficiency, and shall advise the Minister controlling such Department in matters relating thereto, and shall, in addition to the ordinary duties of his office, perform such other duties as the Governor may direct.

Responsibility of Permanent Head.
Cf. Com. P.S. Act, s. 12.

(3.) Unless otherwise prescribed by Regulation, the Auditor-General shall have and exercise the same powers as the Permanent Head of a Department under this Act in relation to the officers under his control.

Auditor-General.

PART II.**DIVISIONS OF PUBLIC SERVICE AND APPOINTMENTS.**

18—(1.) The Public Service shall consist of Three Divisions; that is to say:— Divisions of Service.

The Professional Division,
The Clerical Division, and
The General Division.

(2.) As soon as may be after the commencement of this Act, the Governor shall cause the officers of the Public Service to be classified and graded, and shall cause the work performed by or assigned to each officer or grade of officers to be classified as far as practicable, and such grading and classification shall be within the Three Divisions specified in Sub-section (1.) of this Section, and such grading and classification

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shall take the place of the grading and classification of the officers of the Public Service which existed at the commencement of this Act.

Professional
Division.

Cf. *ibid.* (W.A.),
s. 18, s.s. 2.

Cf. Com. P.S.
Act, s. 16.

Clerical Division.
s.s. (3.).

General Division.
s.s. (4.).

19—(1.) The Professional Division shall include all officers whose duties require in the person performing them some special skill or technical knowledge usually acquired only in some profession or occupation different from the ordinary routine of the Public Service, and whose offices the Governor on the recommendation of the Board directs to be included in such division.

(2.) The Clerical Division shall include all officers whose offices the Governor on the recommendation of the Board directs to be included in such division.

(3.) The General Division shall include all persons in the Public Service not included in the Professional or Clerical Division.

Salaries and Wages.

Salaries of highest
classes Professional and
Clerical
Divisions.

20 The officers in the highest class of the Professional Division and the highest class of the Clerical Division (except in the case of officers paid at a specified rate by virtue of any Act) shall be paid such salaries as may be approved by the Governor on the recommendation of the Board, and as may be authorised by Parliament from time to time.

Salaries of Professional, Clerical,
and General
Divisions.

Cf. Com. P.S.
Act, s. 18.

21 In the Professional Division, Clerical Division, and General Division (except as otherwise expressly provided by this Act, and except in the case of officers paid at a specified rate by virtue of any Act) the officers shall be paid salaries and wages in accordance with such fixed amounts or scales as may be prescribed.

Certain existing
salaries continued.

22 Any officer who at the time of the passing of this Act is classified under "The Civil Service Act, 1900," and receives a greater salary than the maximum of the class or grade assigned by this Act to the work performed by him, may continue to receive such greater salary until he can be transferred to a position in a class or grade under this Act to which such salary is attached, or until Parliament otherwise determines.

Power to fix
salary.

Cf. Com. P.S.
Act, s. 20.

23 Notwithstanding anything contained in this Act, the Governor may, on the recommendation of the Board, fix by order the rate of salary to be paid to an officer occupying any particular office at any sum within the limits of his class or grade, and such sum shall be the salary attached to such officer while he holds such office, or until the Governor otherwise orders, on the recommendation of the Board.

Transfer from
Professional
or Clerical to
General Division.

Cf. Com. P.S.
Act, s. 24.

24 The Governor may, on the recommendation of the Board, transfer to the General Division any officer in the Professional or Clerical Division who has been found incapable of performing his duties in any such division.

*Public Service.**Appointments.*

25—(1.) Except as hereinafter provided no person shall be admitted to the Public Service unless he is a natural-born or naturalised subject of His Majesty, and unless he has successfully passed the examination prescribed.

(2.) With the permission of the Governor, a person not a natural-born or naturalised subject of His Majesty may, subject to the provisions of this Act, be admitted to the Public Service.

A.D. 1905.

Persons who are subjects of His Majesty and have passed examinations eligible.

Ibid., s. 26.

26 Regulations may be made by the Governor for the examination from time to time of persons desirous of admission into the Public Service. Such Regulations shall prescribe—

- I. A preliminary medical examination or test as to the health of candidates;
- II. The character and standard of the examinations to which candidates are required to submit themselves; and such examinations shall be competitive; and
- III. The manner of holding such examinations.

The Governor may from time to time appoint such examiners recommended by the Board as may be necessary for the conduct of the prescribed examinations, and may at any time remove any examiners so appointed.

Regulation for entrance examinations.

Ibid., s. 27.

Examiners.

27—(1.) Separate entrance examinations shall be held in connection with the Professional and Clerical and General Divisions respectively, and shall be designed to test the efficiency and aptitude of candidates for employment in such several divisions; but the educational examination for the General Division shall be of an elementary or rudimentary character.

(2.) The Board shall so far as practicable arrange the times and places of entrance examinations so that persons shall have reasonable facility in the locality in which they reside for competing at such examinations.

Separate examinations to be held for the different divisions.

Ibid., s. 28.

Arrangement of times and places of examination.

28 It shall be the duty of the Board from time to time, as additions to the Public Service may be required, to give public notice thereof Three times in such manner as may be prescribed, stating—

- I. The number of new appointments which it is estimated may have to be made;
- II. The division and class or grade thereof;
- III. The times and places of examinations.

Public notice of examinations.

Ibid., s. 29.

29—(1.) Except as hereinafter provided, every person admitted to the Public Service shall in the first instance be appointed by the Board on probation only, and may be continued in such probationary position for a period of Six months, but may be dispensed with by the Board at any time during such period.

(2.) After the period of Six months on probation has expired, the Governor may on the recommendation of the Board upon a report from the Permanent Head confirm or annul such appointment.

Admissions to Public Service to be on probation only.

Ibid., s. 30.

Public Service.

A.D. 1905.

(3.) No such probationer whose appointment shall be so annulled as aforesaid shall be eligible as a probationer at any time within Twelve months from the date of the annulling of such appointment.

Appointments in certain cases without examination or probation.

30—(1.) If at any time in any special case it appears expedient or desirable in the interests of the Public Service to appoint to the Professional Division some person who is not in the Public Service, the Governor may on the recommendation of the Board appoint such person accordingly without either examination or probation.

Ibid., s. 31.

(2.) No such appointment shall be made until the Board has certified that in its opinion there is no person available in the Public Service who is as capable of filling the position to which it is proposed that the appointment shall be made. A copy of every recommendation, report, and certificate under this Section shall, within Fourteen days after the making of any such appointment, be laid before Parliament, if Parliament is in Session and actually sitting, or if Parliament is not in Session or not actually sitting, then within Fourteen days after the commencement of the next Session or sitting thereof.

(3.) If any person recommended by the Board is not approved by the Governor, it shall be the duty of the Board to recommend within a time specified by the Governor some other person for the office, and such person if approved of by the Governor may be appointed accordingly to such office.

(4.) Where the Governor does not approve of any person recommended a statement of the reasons for not approving any such recommendation, and for requiring a further recommendation, shall within Fourteen days be laid before Parliament, or if Parliament is not sitting, then within Fourteen days of the next sitting thereof.

Age of new appointees to Clerical Division.
Ibid., s. 32.

31—(1.) Except as otherwise expressly provided in this Act no person shall be appointed to the Clerical Division whose age at his last birthday previous to appointment was less than Sixteen years or more than Twenty-one years, unless such person is at the time of appointment already in the Public Service.

Age of new appointees to General Division.

(2.) No person shall be appointed to the General Division whose age at his last birthday previous to appointment was less than Sixteen years or (except as hereinafter provided) more than Fifty years, unless such person is at the time of his appointment already in the Public Service.

Power to extend limit of age for special cases.

In cases of special duties the Governor may, however, on the recommendation of the Board, extend the age from Fifty to Fifty-five years. But nothing in this Sub-section shall be taken to prevent the employment of boys above the age of Fourteen years to be junior messengers, and such boys may be retired as may be prescribed.

Superior order of Junior Clerks.

32—(1.) Notwithstanding anything contained in this Act to the contrary, the Governor may on the recommendation of the Board, upon a report from the Permanent Head, appoint to fill any position to which a salary at a rate not less than One hundred and twenty Pounds per annum is attached, in the lowest class of the Clerical Division, any person of an age not less than Twenty-one years nor more than

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Twenty-five years who has passed such special and competitive examination as is prescribed for the superior order of Junior Clerks. A.D. 1905.

(2.) No such appointment shall be made until the Board has certified that in its opinion there is no officer available in the Public Service who is capable of satisfactorily filling the position to which it is proposed that the appointment shall be made, and that it is necessary in the interests of the Public Service to make the proposed appointment.

A copy of every report, recommendation, and certificate under this Section shall, within Fourteen days after the making of any such appointment, be laid before Parliament, if Parliament is in Session and actually sitting, or if Parliament is not in Session or not actually sitting, then within Fourteen days after the commencement of the next Session or sitting thereof.

(3.) If any person recommended by the Board is not approved by the Governor, it shall be the duty of the Board to recommend within a time specified by the Governor some other person for the office, and such person if approved of by the Governor may be appointed accordingly to such office.

(4.) Where the Governor does not approve of any person recommended a statement of the reasons for not approving any such recommendation and for requiring a further recommendation shall within Fourteen days be laid before Parliament, or if Parliament is not sitting then within Fourteen days of the next sitting thereof.

33—(1.) Any person having at any time, either before or after the commencement of this Act, retired from any salaried office not being of a temporary or casual character in the Public Service shall, if not more than Sixty years of age, be eligible for appointment to the Public Service without examination or probation; and such appointment shall be made at a rate of salary not exceeding that received by such person at the time of his retirement, and shall not be made to a position superior in salary to that in which he was an officer at such time. Re-appointment of retired officers. *Ibid.*, s. 34.

(2.) In the case of any person who shall have received a sum of money as compensation or gratuity on such retirement no appointment shall be made until he has, if so required by the Board, paid into the Treasury an amount equal to such compensation or gratuity in one sum, or arranged to pay by instalments. Such sum shall be refunded upon the person so appointed retiring from the Public Service.

34—(1.) The provisions of this Act shall not apply to the officers mentioned in "The Parliamentary Privilege Act, 1898," so long as they retain their positions under that Act; but any such officer, and also any person employed permanently in any branch or office of the Public Service of *Tasmania* to which this Act does not apply, shall, subject to such Regulations as may be prescribed, be eligible for appointment, upon the recommendation of the Board, to a position in the Public Service, and upon such appointment shall be subject to the provisions of this Act. Officers of Parliament, &c. See 64 Vict. No. 60, s. 35.

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(2.) The Governor may, on the like recommendation, if he thinks fit, exempt any such officer or person who is recommended by the Board for appointment to a position from examination or probation.

Commonwealth and State Officers.

Service in
Commonwealth
not to disqualify
for Public Service
of State.

Cf. Com. P.S.
Act, s. 35.

Officer of
Commonwealth
may discharge
State functions.

Cf. *ibid.*, s. 36.

Consequent
arrangements
to be made.

35 The fact that any person is an officer of the Public Service of the Commonwealth shall not disqualify him from also executing the duties of an office in the Public Service of the State.

36—(1.) The Governor may arrange with the Governor-General of the Commonwealth for the performance by an officer in the Public Service of the Commonwealth for the Government of the State of any work or services, or for executing the duties of any office in the Public Service of the State.

(2.) In any such case the Governor may, by agreement with the Governor-General or otherwise, make arrangements for determining—

- i. The rate of payment to be made by the Government of the State for the services to be performed or the work done for the State by such officer: and
- ii. Any matters which may require to be adjusted with regard to the performance of such duties or execution of such work by such officer.

Arrangement for
performance of
duties by officer.
Cf. *ibid.*, s. 37.

37 Where an officer of the State performs some duties for the Government of the Commonwealth, it shall be lawful for the Governor, by agreement with the Governor-General of the Commonwealth or otherwise, to make arrangement for determining—

- i. The rate of payment to be made by the Government of the Commonwealth for the services performed for the Commonwealth by such officer: and
- ii. Any matters which may require to be adjusted with regard to the performance of such duties by such officer.

Arrangement for
performance of
work or services
for Government
of Common-
wealth.

38 It shall be lawful for the Governor, at the request of the Governor-General of the Commonwealth, to authorise and cause any work or services to be performed for the Government of the Commonwealth; and the Governor, by agreement with the Governor-General of the Commonwealth or otherwise, may make arrangements for determining—

- i. The rate of payment to be made by the Government of the Commonwealth for the performance of such work or services: and
- ii. Any matters which may require to be adjusted with regard to the performance of such work or services.

Re-appointment
from Common-
wealth Public
Service.

39—(1.) Every person who has been or hereafter may be appointed or transferred to the Public Service of the Commonwealth, and who at the time of appointment or transfer was or shall have been employed permanently in any branch or office of the Public Service of the State,

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shall, subject to such Regulations as may be prescribed, be eligible for appointment, upon the recommendation by the Board, to a position in the Public Service of the State, and the Governor may, on the like recommendation, exempt any such person from examination or probation.

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(2.) The expression "Public Service," used in line Four of this Section, shall not have the limited meaning assigned to it by this Act.

Temporary Employment.

40—(1.) Whenever in the opinion of a Minister of a Department the prompt despatch of the business of a Department renders temporary assistance necessary, and the Board is unable to provide such assistance from other Departments, the Board shall select, in such manner as may be prescribed, from the persons whose names are upon the prescribed register, such person or persons who are available as appear to be best qualified for such work, and they shall be paid at the rate the Board may determine from time to time is applicable to the work to be performed.

Temporary
employment.
Cf. Com. P.S.
Act, s. 40.

(2.) Such person or persons may be employed to perform such work for any period not exceeding Twelve months.

Limit of
employment.

(3.) No person who has been temporarily employed in any Department for Twelve months continuously or in the whole, or for Eighteen months continuously or in the whole, where extended as hereinafter provided shall, during the Six months following the termination of such temporary employment, be eligible for further temporary employment in the Public Service.

Restriction on
re-employment.

(4.) If it appears in the public interest to be desirable so to do, the Board may order that any person who has been temporarily employed in any Department for Twelve months continuously or in the whole may be temporarily employed for not more than Six additional months.

Power to extend
by six months.

(5.) The services of any person temporarily employed may be dispensed with at any time by the Minister or by the Permanent Head.

Liability to being
dispensed with.

(6.) Notwithstanding the provisions hereinbefore contained the Governor, if it appears in the public interest to be desirable so to do, may, in the case of temporary work in the carrying out of any public work or scheme, order that the temporary employment of all or any persons employed upon such work or scheme may be continued until the completion of the same; and unless otherwise ordered by the Board any person may be temporarily employed in the Government Printing Office or in the preparation of the Census for such time as may be necessary.

Provision as to
certain Depart-
ments.

(7.) The Governor may, by Order-in-Council, from time to time, temporarily suspend the operation of Sub-sections Two, Three, and Four of this Section in respect of any Department or office specified.

(8.) The Board shall in the month of *July* in each year make a return showing the names of all persons temporarily employed in the Public Service during the previous financial year, and the periods for which such persons have been respectively employed and the remuneration paid to them, and such return shall be laid before both Houses of the Parliament.

Return to be
presented
annually.

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PART III.

INTERNAL ADMINISTRATION.

Alterations of Staff.

Power to create or
abolish offices and
alter classification
or grading.

Cf. Com. P.S.
Act, s. 41.

41 The Governor may, on the recommendation of the Board, after it has obtained a report from the Permanent Head—

- i. Create a new office in any division in any Department : or
- ii. Abolish any office in any Department : or
- iii. Raise or lower the classification or grading of any office the duties of which have been materially changed : or
- iv. With the consent of any officer, transfer or promote him from any one division to any other division ; and in the case of transfer or promotion from the General to the Clerical Division, or from the General or Clerical to the Professional Division, after such examination as may be prescribed.

How vacancies to
be filled by
promotions.

Cf. *ibid.*, s. 42.

42 Whenever a vacancy occurs in any office, and it is expedient to fill such vacancy by the promotion of an officer, the Governor may, on the recommendation of the Board, subject to the provisions of this Act, appoint to fill such vacancy an officer of the Public Service, regard being had to the relative efficiency, or in the event of an equality of efficiency of two or more officers to the relative seniority, of the officers of the Public Service.

“Efficiency” in this Section means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit and good and diligent conduct.

Examination
before promotion
or transfer.
Cf. *ibid.*, s. 43.

43—(1.) No officer shall be promoted from a class in the Professional Division to a higher class, or be transferred from one Department to another, unless he has passed such examination as is prescribed for such class in the Department in or to which he is promoted or transferred.

(2.) Such examination shall be conducted by examiners recommended by the Board, who may be appointed or removed by the Governor. Such examination shall not be competitive ; and there may be different examinations for each different Department, or for different specified offices therein ; and the subjects of examination shall have reference to the work to be performed and to subjects a knowledge of which would increase the efficiency of the Department.

(3.) An examination as to the whole thereof, or any one or more subjects conducted by a university or by any public examining body, may, if prescribed, be accepted in lieu of an examination by examiners appointed under this Section.

(4.) In the case of barristers, solicitors, medical practitioners, engineers, architects, actuaries, land surveyors, and draughtsmen employed and seeking promotion or transfer in the line of their profession, any examination may be dispensed with on a report from the Board that it is not necessary.

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44 Notwithstanding anything in this Act contained, the Board shall have power to direct the holding of examinations in connection with the filling of certain offices or any of them in order to test the efficiency and aptitude of the candidates for and the officers available for appointment to the position in respect of which the Board has directed an examination to be held, and the provisions of Section Twenty-six shall, *mutatis mutandis*, apply to any examination under the provisions of this Section.

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Examination in special cases.
4 Ed. VII. No. 41, s. 42 (W.A.).

45—(1.) Before an officer is promoted from any office to a higher office in the Professional or Clerical Division there shall be submitted to the Governor the name of the officer recommended for promotion to such higher office by the Board, after report from the Permanent Head, and any officer so recommended may be promoted by the Governor accordingly.

How promotions made.

Cf. *ibid.*, s. 44.

(2.) If any officer recommended by the Board is not approved by the Governor, it shall be the duty of the Board, after report from the Permanent Head, to recommend within a time specified by the Governor some other officer for the office, and such officer, if approved of by the Governor, may be promoted accordingly to such office.

(3.) Where the Governor does not approve of any officer recommended, a statement of the reasons for not approving any such recommendation, and for requiring a further recommendation, shall within Seven days be laid before Parliament, and if Parliament is not sitting, then within Seven days of the next sitting thereof.

46—(1.) The Board may permit an officer to decline an offer of promotion or appointment without prejudice to his right to future promotion or appointment.

Board may allow officer to decline promotion.

Cf. *ibid.*, s. 45.

(2.) No officer shall refuse compliance with an Order of the Governor, on the recommendation of the Board, directing his removal from one position to another at his existing salary in any part of the State. Disregard of or disobedience to any such order shall be deemed to be a breach of the provisions of this Act.

47 When it appears to the Minister or Permanent Head of any Department necessary or expedient for the more economic, efficient, or convenient working of such Department, or of any branch thereof, that any particular disposition of officers and re-arrangement of work should be effected, the matter shall be referred to the Board for consideration and action.

Re-arrangement of officers and work.

Cf. 2 Ed. VII. No. 31 (N.S.W.), s. 52.

4 Ed. VII. No. 41 (W.A.), s. 46.

Dismissals, Removals, &c.

48—(1.) If any officer is guilty of a breach of the provisions of this Act, or any Regulations thereunder; or is guilty—

Offences.

Cf. *ibid.*, s. 46.

- i. Of any wilful disobedience or disregard of any lawful order made or given by any person having authority to give such order: or
- ii. Of being negligent or careless in the discharge of his duties: or

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iii. Of being inefficient or incompetent, and such inefficiency or incompetency appears to arise from causes within his own control : or

iv. Of using intoxicating beverages to excess : or

v. Of any disgraceful or improper conduct—

then such officer shall be guilty of an offence, and shall be liable to such punishment as may be determined upon under the provisions of this Section.

(2.) Any officer (not being a Permanent Head) charged with the commission of an offence—

Summary reprimand for minor offences.

i. May in the case of minor offences against discipline be reprimanded or cautioned or fined any sum not exceeding One Pound by the Permanent Head, or by any officer prescribed as having power to suspend officers in the office or place in which the offending officer is employed : or

Temporary suspension of officer charged.

ii. For any such offence whatever may be temporarily suspended by the Permanent Head, or in emergent cases by any officer prescribed as having power to suspend officers in the office or place in which the offending officer is employed, in which event such suspension shall be immediately reported to the Permanent Head. The suspending officer or the Permanent Head shall forthwith furnish the offending officer with a copy of the charge on which he is suspended, and require him to forthwith state in writing whether he admits or denies the truth of such charge, and to give any explanation in writing as to such offence for the consideration of the Permanent Head.

Power of Permanent Head to reprimand.

(3.) On consideration of such explanation, if any, the Permanent Head, if of opinion, after such further investigation as he may deem necessary, that the alleged offence has not been committed, may remove such suspension ; or if of opinion that the alleged offence has been committed by such officer, but is not of so serious a nature that an investigation thereof should be made by a Board of Inquiry, may reprimand or caution such officer and remove the suspension, or in his discretion fine him any sum not exceeding Five Pounds : Provided that if any such officer having been suspended and fined is dissatisfied with the decision of the Permanent Head, he may, within Seven clear days after such decision has been given, appeal in writing to the Public Service Board, stating the grounds of his dissatisfaction, and that Board shall thereupon enquire into and consider the appeal and the grounds thereof, and may confirm, reverse, or vary the decision of the Permanent Head ; and the decision of the Board shall be final.

Or refer charge to a Board of Inquiry.

(4.) If the Permanent Head considers the alleged offence to be of so serious a nature that an investigation thereof should be made by a Board of Inquiry, he may forthwith refer the charge to a Board of Inquiry, to be appointed by the Board in the manner prescribed (consisting of Three persons, one of whom shall be the Chairman of such Board, and any Two of whom may exercise all the powers

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of such Board) for investigation and report; and if such suspended officer has not in writing admitted the truth of the charges made against him, such Board of Inquiry shall inquire as to the truth of such charges. Every such Board of Inquiry shall, after fully hearing the case, submit to the Permanent Head, for transmission to the Board, a report of the proceedings and evidence taken and their opinion thereon.

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(5.) If any such charges are admitted, or are found by the Board of Inquiry to be proved, then the Public Service Board may, subject to the Regulations, impose a penalty not exceeding Fifty Pounds upon such offending officer, or may deprive him of his leave of absence during a specified period; or may, according to the nature of the offence, reduce such officer to a lower division, class, sub-division of class or grade and salary or wages, or may transfer him to some other position; or the Governor may dismiss such officer from the Public Service or require him to resign, and if such officer fails to resign within the time specified he shall be dismissed; and where an officer admits or is found guilty of an offence, such officer shall, unless otherwise ordered by the Governor, be entitled to no salary or wages during the time of his suspension.

Punishment when charge proved.

Reduction by Board.

Dismissal by Governor.

(6.) If none of such charges are found by the Board of Inquiry to be proved, the suspension shall be immediately removed by the Permanent Head.

Removal of suspension.

49—(1.) Where the Permanent Head of a Department is charged by any person with any of the offences mentioned in Sub-section (1.) of the last preceding Section, the Minister may suspend such officer, and report the charge and suspension to the Board, and thereupon the Board shall appoint in the manner prescribed a Board of Inquiry (consisting of Three persons, One of whom shall be the Chairman of such Board, and any Two of whom may exercise all the powers of such Board) for investigation and report; such Board shall not include the person by whom the charge was made; and if such officer does not in writing admit the truth of the charges made against him, such Board of Inquiry shall inquire into the truth of such charges, and after fully hearing the case shall report to the Board their opinion thereon.

Offences by Permanent Heads.

Cf. *ibid.*, s. 47.

(2.) If any such charges are admitted, or are found by the Board of Inquiry to be proved, then on receiving such report the Public Service Board may make such recommendation in reference thereto, and as to the punishment or otherwise of the person charged, as to the last-mentioned Board seems fit. On receiving such recommendation, the Governor may dismiss such Permanent Head from the Public Service, or reduce him to a lower division and salary, or impose such penalty not exceeding Fifty Pounds or other punishment as the case demands.

(3.) If such charges are found by the Board of Inquiry not to be proved, the suspension shall be immediately removed by the Minister.

Removal of suspension.

50 The Public Service Board and the several members thereof, every Board of Inquiry and the several members thereof, appointed under the provisions of this Act, and any person to whom any powers

Power to summon witnesses and take evidence on oath.
Cf. *ibid.*, s. 10.

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or functions are delegated under the provisions of **this Act**, when conducting any inquiry or investigation under this Act, shall have all the powers and authority of Justices of the Peace under the provisions of *The Magistrates Summary Procedure Act*, including the power to summon and compel the attendance of witnesses, and to determine the costs and expenses which they shall be entitled to receive under this Act, and to take evidence on oath or affirmation, and shall also have power to require and compel any person summoned as a witness to produce any books, writings, or documents pursuant to such summons, to make orders for the payment of costs and expenses, and to enforce the same, and generally to make such orders as may be necessary to give effect to their determination in the matter of such inquiry or investigation: Provided that no person shall be compelled to answer any question that would tend to incriminate him.

Right of officers
to be represented
by counsel.

Cf. *ibid.*, s. 48.

51—(1.) All officers against whom any charge is made, and also the person making the charge, and the Department to which any officer charged belongs, shall, upon the hearing of the charge by the Board of Inquiry, be entitled to be represented by counsel, attorney, or agent, who may examine witnesses and address the Board of Inquiry.

(2.) A Board of Inquiry shall, when inquiring as to the truth of any charges, inquire as to the truth of the same without regard to legal forms and solemnities, and shall direct itself by the best evidence it can procure or that is laid before it whether the same be such evidence as the law would require or admit in other cases or not.

Procedure before
Board of Inquiry.
Cf. *ibid.*, s. 49.

52 Where any charge against an officer is submitted to a Board of Inquiry, such Board shall have the right to direct that the inquiry shall be held in private.

In any case where such Board finds that the charge is not proved, the Board may recommend that the reasonable expenses, or any part thereof, incurred by such officer in meeting such charge be paid, the amount of such expenses to be mentioned in such recommendation.

Every such recommendation shall be considered by the Governor.

In any case where a charge against an officer is submitted to a Board of Inquiry, a copy of all documents intended to be used at the inquiry shall, where practicable, be furnished to such officer at least Seven days before the inquiry is held.

Incapacity of Officers.

Services of
incapable officer
may be dispensed
with.

Cf. *ibid.*, s. 65.

53 If an officer appears to the Public Service Board, after a report from the Permanent Head or otherwise, to be unfit to discharge or incapable of discharging the duties of his office efficiently, that Board may refer the question to a Board of Inquiry, to be appointed in the manner prescribed, consisting of Three persons (One of whom shall be Chairman, and any Two of whom may exercise all the powers of the last-mentioned Board), and if that Board finds that such officer is unfit to discharge or incapable of discharging the duties of his office, the Governor may, on the recommendation of the Public Service Board,

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deal with such officer, either by calling upon him to retire from the Public Service or by transferring him to some other position; and every such officer, if called upon to retire, shall retire accordingly. A.D. 1905.

PART IV.

MISCELLANEOUS.

Performance of Duties in Absence.

54 Where in or by any Act, Order in Council, Proclamation, rule, regulation, by-law, contract, or agreement any duty, obligation, right, or power is imposed or conferred upon any officer in His Majesty's Service (other than a Minister or judicial officer) in his capacity as such officer, such duty, obligation, right, or power may be performed or exercised by any officer directed by the Governor to perform and exercise the duties, obligations, rights, and powers of such firstmentioned officer during his temporary absence or incapacity, in the same manner and to the same extent in all respects as the same might have been respectively performed or exercised by such firstmentioned officer, and everything so done under the provisions of this Section shall be as good and effectual for all purposes and against all persons whatsoever as if done by such firstmentioned officer.

Performance of duties and powers of officer in his absence.

Cf. *ibid.*, s. 59.
Cf. 2 Edw. VII. No. 31 (N.S.W.), s. 6.
4 Edw. VII. No. 41 (W.A.), s. 53.

Officers not British Subjects to be Naturalised.

55 Every officer admitted to the Public Service before the commencement of this Act who is not a natural-born or naturalised subject of His Majesty shall forthwith after the commencement of this Act, or so soon as he is qualified so to do, apply for and obtain a certificate of naturalisation under the laws of the United Kingdom or of the Commonwealth.

Officers not British subjects to be naturalised.

Cf. Com. P.S. Act, s. 63.

Deduction for Quarters and Allowances.

56 If an officer occupies for the purpose of residence the whole or part of a building belonging to or occupied by the State Government, or receives fuel, light, or any other fixed allowance, the Governor may direct that a fair and reasonable sum therefor be deducted from such officer's salary, and the amount of such sum shall be fixed by the Governor on the recommendation of the Board; but in any case where an officer is occupying free quarters or receiving any such allowance at the date this Act comes into operation, no such deduction shall be made so as to diminish the remuneration of such officer.

Rent charged to officers residing in Government buildings.

Cf. *ibid.*, s. 64.

Appeals.

57 Any officer affected by any report or recommendation made by the Board to the Governor under this Act, as to his classification or grading, or the classification of the work performed by or assigned to him, may, in such manner and within such time as may be prescribed, appeal to the Board. The Board shall hear and determine such appeal.

Appeals to Public Service Board.

Cf. Com. P.S. Act, s. 50.

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*Forfeiture of Office.*Forfeiture of office
in certain cases.

58—(1.) If an officer is convicted of any felony or misdemeanour he shall be deemed to have forfeited his office, and shall thereupon cease to perform his duties or receive his salary.

Bankruptcy, &c.,
of officer.

(2.) If any officer becomes bankrupt or applies to take the benefit of any Act for the relief of insolvent debtors, or makes an assignment for the benefit of his creditors, he shall report the matter at once to the Board, and unless he satisfies the Board that he has not been guilty of fraud, dishonourable conduct, or extravagance, such officer may be dismissed from the Public Service, or reduced to a lower division, class, or grade therein, or fined, reprimanded, or otherwise punished by order of the Governor, on the recommendation of the Board.

*Penalties.*Fines to be
stopped from
salary.
Cf. *ibid.*, s. 67.

59 On receiving notice of any pecuniary penalty imposed upon or any order for the payment of money made against any officer under the authority of this Act, the officer who pays the salary of the officer so punished shall deduct from such salary the amount of such penalty or the sum ordered to be paid as the case may be, unless he is satisfied that the same has been paid. All fines and penalties imposed under this Act shall be paid into and form part of the Consolidated Revenue Fund.

*Leave of Absence and Holidays.*Leave of absence
for recreation.
Cf. *ibid.*, s. 68.

60—(1.) Unless otherwise directed by the Minister of his Department, the Permanent Head may grant to every officer of his Department leave of absence for recreation for any period or periods not exceeding in the whole Fourteen days in each year, exclusive of *Sundays* and holidays, and such Minister in cases of illness or other pressing necessity may grant such extended leave not exceeding Three months, and the Governor may grant leave not exceeding Twelve months, on such terms as may be prescribed.

(2.) The Minister may grant to any officer leave of absence for recreation for any period, not exceeding the number of days' leave of absence for recreation which the Permanent Head might have granted to such officer during his service under this Section, not so granted by the Permanent Head.

Deduction of pay
for unauthorised
absence.

(3.) When the absence of an officer is not sanctioned, there shall be deducted from his salary his pay for each day of such absence.

Limit of absence
of certain officers.

(4.) The period of leave of absence for recreation which may be granted to officers whose duties cannot ordinarily be performed within usual regular hours shall not necessarily be limited to Fourteen days, but shall be limited as may be prescribed.

Further extended
leave on ground
of illness.
Cf. *ibid.*, s. 69.

61—(1.) Where in case of illness any officer who has received extended leave of absence for Twelve months is not so far recovered as to be able to resume his duties, the Governor may grant such officer further leave of absence.

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(2.) No such further leave of absence shall be granted for more than **A.D. 1905.**
Six months in all. — —

(3.) For such further leave of absence no salary or allowance shall be paid to such officer.

(4.) Leave of absence in case of illness shall not be reckoned as, nor included in, leave of absence for recreation.

62—(1.) On the application of any officer the Governor, on the recommendation of the Board, may grant to him leave of absence without pay for any period not exceeding Twelve months. **Leave without pay.**
Cf. *ibid.*, s. 70.

(2.) The period during which any officer is absent on leave, granted pursuant to this Section, shall not for any purpose be included as part of such officer's period of service.

63 When an officer has continued in the Public Service at least **Furlough.**
Twenty years, the Governor may grant to him on the recommendation **Cf. Com. P.S.**
of the Board leave of absence for a period not exceeding Twelve **Act, s. 71.**
months on half-pay or Six months on full pay; but for such period of absence such officer shall not be entitled to receive any addition to his rate of pay.

64—(1.) The following days shall be observed as Public Service **Holidays.**
Holidays throughout the Service:— **Cf. *ibid.*, s. 72.**

- I. New Year's Day,
Good *Friday*,
The day after Good *Friday*,
Easter *Monday* and Easter *Tuesday*,
Christmas Day,
The Twenty-sixth day of *December*;
- II. The Twenty-sixth day of *January*,
The Anniversary of the Birthday of the Sovereign,
The Anniversary of the Birthday of the Prince of Wales;
- III. Any day or part thereof appointed by the Governor as a Bank Holiday or Half-holiday, or as a Public Service Holiday or Half-holiday; and which shall be so notified in the *Gazette*.

(2.) Whenever any of the days mentioned in paragraph II. of Sub-section (1.) falls upon a day other than a *Monday*, the next following *Monday* shall be the holiday instead of such day.

(3.) Whenever Christmas Day falls on a *Sunday*, the Twenty-seventh day of *December* shall be a Public Service Holiday, in addition to the Twenty-sixth day of *December*; and whenever any of the days mentioned in paragraph I. of Sub-section (1.), other than Christmas Day, falls upon a *Sunday*, the next following *Monday* shall be observed as a Public Service Holiday in lieu of such *Sunday*.

(4.) The Governor may also, by Proclamation, at any time appoint, in addition to the days hereinbefore named, any specified day or specified part of a day to be kept as a holiday or half-holiday in the public offices of the State, or in any part thereof.

Public Service.

A.D. 1905.

(5.) The Minister of a Department or the Permanent Head thereof may require such Department or any part thereof to be kept open in the public interest for the whole or any portion of a holiday, and may require the attendance and services of any officer of such Department during any such holiday; but in that case every such officer shall be granted in lieu thereof a holiday upon such other occasion as shall not interfere with public business.

Retirement of Officers.

Officers attaining age of Seventy to retire unless required to continue.

Cf. *ibid.*, s. 74.

Officers of age of Seventy may be continued in Public Service by Governor.

Cf. *ibid.*, s. 75.

65 Every officer shall retire on attaining the age of Seventy years unless he is required to continue to perform his duty in the Public Service, as hereinafter provided, and is able and willing so to do.

66 Notwithstanding that an officer has attained the age of Seventy years, if the Board certifies that in the interests of the Public Service it is desirable that such officer should continue in the performance of the duties of his office or of any office in the Public Service to which he may be appointed, and that such officer is able and willing to do so, the Governor may from time to time direct such officer to continue in the Service for such fixed time, not exceeding Twelve months, as the Governor in each case directs, or during pleasure.

Public Notifications.

Notices to be gazetted.

Cf. *ibid.*, s. 76.

67 Notices of all appointments, transfers, retirements, vacations of office or removals of officers, and of all Orders-in-Council or Proclamations under this Act, shall be published in the *Gazette* within Twenty-eight days after the making thereof by the Governor, and every such notice shall be deemed and taken to be conclusive evidence of every such appointment, transfer, retirement, vacation of office or removal, or of such Order-in-Council or Proclamation respectively.

Service of Notices on Officers.

As to officers whose address is unknown.

Cf. *ibid.*, s. 77.

68—(1.) In the event of the address for the time being of an officer being unknown to the Board or Permanent Head or Board of Inquiry, as the case may be, all notices, orders, or communications to or for such officer shall be posted to the last-known address of such officer, and a notification of the fact of such posting shall be published in the *Gazette*.

(2.) So far as regards any such notice, order, or communication, compliance with Sub-section (1.) of this Section shall be deemed a sufficient service of such notice, order, or communication on an officer whose address is unknown as aforesaid.

(3.) Where any such notice, order, or communication relates to any charges made against an officer, then if within a time specified in such notice, order, or communication no answer is received by the authority asking whether the officer admits the truth of such charges, he shall be deemed to deny the truth of such charges, and such charges may be inquired into and dealt with in the absence of the officer affected.

*Public Service.**Payments.*

69—(1.) Nothing in this Act shall authorise the expenditure of any greater sum out of the Consolidated Revenue Fund by way of payment of any salary than is from time to time appropriated by Parliament for the purpose.

(2.) Where money has been appropriated by Parliament in any year for the salaries of officers in any division, if during the year for which the appropriation has been made any vacancy occurs in such division and is not filled up, the Governor may apply the money so appropriated to the payment of any officer in a lower position in the same division.

(3.) Payments of money to officers other than for salary or prescribed transfer or travelling allowances or expenses shall be made only under the authority of the Governor.

(4.) No officer shall be deemed to be entitled to any compensation by reason of any reduction of his salary, or for any alteration of the limits of salary of his class or grade, or by reason of any alteration in the scale of allowances or gratuities which may be made by any Act amending this Act, or by Regulations herein provided for.

A.D. 1905.

Salaries not to exceed amount appropriated by Parliament.

Cf. *ibid.*, s. 78.

No compensation in consequence of operation of Act. 64 Vict. No. 69, s. 65 (Tas.).

Performance of Work outside Public Service.

70—(1.) Except with the express permission of the Governor, and upon the recommendation of the Board, which permission may at any time by Order-in-Council be withdrawn, no officer shall—

- i. Accept or continue to hold an office in or under the Government of the Commonwealth or in or under any public or municipal corporation : nor
- ii. Accept or continue to hold or discharge the duties of or be employed in a paid office in connection with any banking, insurance, mining, mercantile, or other commercial business, whether the same be carried on by any corporation, company, firm, or individual : nor
- iii. Engage in or undertake any such business, whether as principal or agent : nor
- iv. Engage or continue in the private practice of any profession : nor
- v. Accept or engage in any employment other than in connection with the duties of his office or offices in the Public Service.

(2.) Nothing herein contained shall be deemed to prevent an officer from becoming a member or shareholder only of any incorporated company or of any company or society of persons registered under any Act in any State or elsewhere.

Officer not to engage in duties unconnected with his office.

Cf. Com. P.S. Act, s. 79.

Effect as to companies.

Regulations.

71 In addition to any power by this Act conferred on the Governor to make Regulations as to any special matter (which power shall also in every case be implied for the purposes of any Section in this Act in which regulations are referred to, or in which the word "prescribed"

Regulations.

Cf. Com. P.S. Act, s. 80.

Public Service.

A.D. 1905.

is used), the Governor may make, alter, or repeal Regulations for the carrying out of any of the provisions of this Act, and in particular for all or any of the following purposes, namely :—

- i. For regulating the times and places of the meetings of the Public Service Board, and the proceedings of, and transaction of business by such Board :
- ii. For regulating the appointment of officers of the Public Service :
- iii. The arrangement of the Public Service in its prescribed Divisions, and the facilitation of the working thereof ; the classification of the work therein ; and the classification and grading of officers :
- iv. For arranging the Professional and the Clerical Divisions into classes, and the General Division into grades, and for determining the limits of salaries and wages to be paid to persons in such classes or grades in the different Departments or in any specified Department :
- v. For the conditions under which officers of the Clerical and General Divisions may be transferred to the Professional Division, and the conditions under which officers may be transferred from the General Division to the Clerical Division :
- vi. For examinations (whether entrance examinations or not), for fixing the fees payable for entrance examinations, and for registering in the order of merit the names of all persons who have passed the entrance examinations, and of those candidates who having qualified at any such examination may be appointed to fill subsequent vacancies arising within a prescribed period :
- vii. For prescribing the rates of salaries or wages for women employed otherwise than in the Clerical Division, and the terms upon which the service of female officers may be dispensed with upon their marriage : Provided, that nothing herein shall be taken to permit the employment of any married woman except upon the certificate of the Board in each case that such employment is desirable :
- viii. For constituting in any part of the State, or for any locality or office in any locality, Boards of Inquiry for the purpose of investigating charges against any officer for breaches of the provisions of this Act, or any Regulations thereunder, or of being unfit to discharge or incapable of discharging the duties of his office efficiently, or of committing any offence for which an officer may be suspended from duty, and for regulating the procedure of such Boards :
- ix. For regulating and fixing for breach of any specified Regulation penalties not exceeding Fifty Pounds, according to the nature and gravity of the offence :

Public Service.

- v. For regulating and determining the scale or amount to be paid to officers for transfer or travelling allowances or expenses: A.D. 1905.
- xi. For regulating the duties of officers, and the mode in which such duties shall be performed, and for regulating the conduct of officers:
- xii. For prescribing the form of register of applicants for temporary employment, and the mode of keeping the same, and the mode of selecting persons therefrom, and the method of dealing with or punishing persons temporarily employed, and for regulating generally the terms and conditions of any temporary employment:
- xiii. For regulating the hours of attendance of officers, and the keeping and signing of records of attendances, or prescribing other methods of recording attendances:
- xiv. For regulating the granting of leave of absence to officers of the Public Service:
- xv. For regulating the performance of and payment of officers for extra services and the payment of examiners:
- xvi. For fixing the amount and nature of the security to be given for the fidelity of officers occupying positions the nature of which, in the opinion of the Board, renders it necessary for such officers to find security for their fidelity:
- xvii. For fixing the maximum or minimum age of persons who may be appointed to any particular division or class or grade, or to any particular office:
- xviii. For providing for a notification to the Board of every punishment inflicted on any officer by virtue of this Act, and for keeping records thereof:
- xix. For determining the dates, times, or periods of time at or within which shall be done all things and acts required or permitted by this Act to be done, and in respect of which no dates, times, or periods of time are specifically provided:
- xx. For notifying vacancies, and the method of applying for such vacancies:
- xxi. For regulating generally the mode, manner, and time, of election of the elective member of the Board, and generally for the management and conduct of any such election, and for facilities to be given to members of the Public Service for voting thereat, and for the elected member attending the sittings of the Board:
- xxii. For regulating the procedure of the Board concerning appeals, the conduct of appeals, and the method of taking evidence at a distance:
- xxiii. For prescribing the allowances to witnesses for their expenses:
- xxiv. For prescribing, where there is no provision in this Act, or no sufficient provision in respect of any matter or thing necessary to give effect to this Act, in what manner and form the want of provision or insufficient provision shall be supplied.

Public Service.

A.D. 1905.

Publication of
Regulations in
Gazette.

Officers entitled
to copies.

Repeal.

Civil Service
Provident Fund
to be transferred
to Revenue.

72 All Regulations made pursuant to this Act may be made either generally or with respect to any particular case or class of cases, and when made by the Governor and published in the *Gazette* shall have full force and effect; and such Regulations shall be laid before both Houses of Parliament within Fourteen days of publication in the *Gazette*, if Parliament is in Session and actually sitting, or if Parliament is not in Session or not actually sitting, then within Fourteen days after the commencement of the next Session or sitting.

Every officer shall be entitled to a copy of this Act and the Regulations free of charge.

73—(1.) "The Civil Service Act, 1900," is hereby repealed.

(2.) All moneys standing to the credit of the Civil Service Provident Account in the Books of the Treasury of *Tasmania*, or which the said Act directs to be transferred to the credit of the said Account from the Consolidated Revenue Fund, shall, on the passing of this Act, be and be deemed to be paid into and form part of the Consolidated Revenue Fund free from any claim under the said Act.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 10.

AN ACT to validate the Demands for the A.D. 1905.
Land Tax for the Year One thousand nine
hundred and five. [20 October, 1905.]

WHEREAS an Act to consolidate and amend the Law relating to the Tax upon Land, the Short Title of which is "The Land Tax Act, 1905," received the Royal Assent and became law on the Thirtieth day of *September*, One thousand nine hundred and five : PREAMBLE.

And whereas the Demands for the Land Tax for the year One thousand nine hundred and five have been issued since the passing of the said Act, but they have been issued erroneously as Demands for the said Tax under "The Land Tax Act, 1888," and Amendments, such latter Act and Amendments being then repealed by "The Land Tax Act, 1905" :

And whereas it is necessary and expedient to validate the said Demands :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 Notwithstanding that the Demands for the Land Tax for the year One thousand nine hundred and five purport to require payment of the amount of such Tax under "The Land Tax Act, 1888," and Amend- Validation of Demands for Land Tax for 1905,

4d.]

Land Tax Demands, 1905, Validation.

A.D. 1905.

ments (hereinafter called "the repealed Acts"), such Demands shall be deemed to require, and be read as if they required, payment of the amount of the Tax mentioned in the Demands respectively under the provisions of "The Land Tax Act, 1905," and they shall be deemed to be regularly and legally issued under the latter Act as if that Act had been referred to therein instead of the repealed Acts; and wherever in any such Demand, or in any endorsement thereon, reference is made to the repealed Acts, or any of them, or to any enactment therein respectively, such reference shall be deemed to be made to "The Land Tax Act, 1905," or the corresponding enactment in that Act.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 11.

AN ACT to amend an Act to authorise a A.D. 1905.
Loan of Ten thousand Pounds to the Marine
Board of *Mersey*, in accordance with the
provisions of "The Local Public Works
Loans Act, 1890." [20 October, 1905.]

WHEREAS disputes have arisen in respect of the amounts payable PREAMBLE.
for the construction of certain works for which the sum of Ten thousand
Pounds was authorised to be granted to the Marine Board of *Mersey*
by Act of Parliament 4 *Edward VII.* No. 34 :

And whereas it is desirable to authorise the said Board to pay the
sum of Three thousand Pounds out of the said sum of Ten thousand
Pounds in settlement of such disputes :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 It shall be lawful for the Governor in Council, out of the sum of Marine Board of
Ten thousand Pounds authorised to be granted by the Act of Parlia- *Mersey* authorised
ment 4 *Edward VII.* No. 34, to grant part of the said sum of Ten to use and expend
4d.]

Mersey Marine Board Loan Amendment.

A.D. 1905.

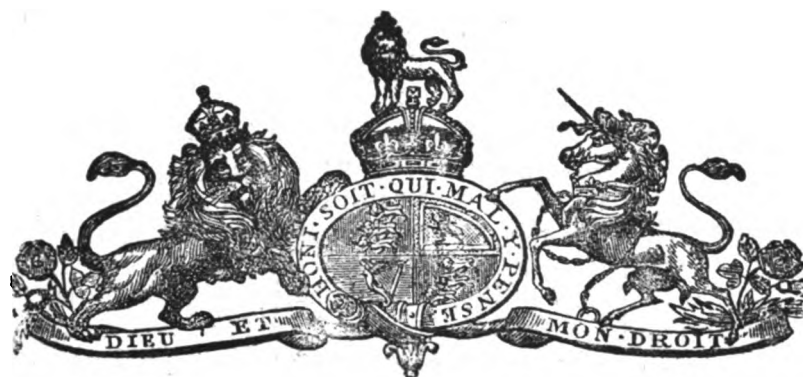
for certain purposes £3000 out of Loan of £10,000 previously authorised, and such expenditure to be deemed authorised by 4 Ed. VII. No. 34.

thousand Pounds, to wit, a sum not exceeding Three thousand Pounds, to the Marine Board of *Mersey*, for the purpose of settling any matter of difference or dispute in respect of the construction of the Training-wall or other improvement to the Harbour and Channel, or in respect of any award or claim against or liability by the Marine Board of *Mersey* incidental to such construction or other improvement; and it shall be lawful for such Board to use and expend such part of the said sum of Ten thousand Pounds, to wit, a sum not exceeding Three thousand Pounds, for the purposes aforesaid; and such use and expenditure shall be deemed to be in accordance with the purposes for which the said Loan of Ten thousand Pounds is authorised to be granted.

Acts to be read together.

2 This Act and the Act of 4 *Edward VII.* No. 34 shall be read and construed together as one Act.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 12.

AN ACT to authorise the Town Board of *Queenborough* to borrow a Sum not exceeding One thousand two hundred Pounds for the purpose of constructing certain Works, and to vest certain Land in the said Board.

[20 October, 1905.]

WHEREAS the Town Board of *Queenborough* is desirous of acquiring certain Land, and of erecting certain works thereon, and requires to borrow certain sums for defraying the cost of the construction of the said works: PREAMBLE.

And whereas it is expedient that the Board should be given statutory authority to carry out the said objects:

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 In this Act—

“The Board” means the Town Board of the Town of *Queenborough*:

4d.]

Interpretation.

Queenborough Town Board Loan.

A.D. 1905.

"The works" means the erection of a causeway, baths, rowing shed, dwelling, and dock, with such additions and accessories thereto as the Board may think fit, and includes all future additions to and alterations of the works.

Certain land vested in the Board.

2 The land described in the Schedule hereto is hereby vested in the Board in fee simple.

Power to borrow to construct works.

3 It shall be lawful for the Board to borrow any sum or sums of money not exceeding One thousand two hundred Pounds for the purpose of constructing the works on the said land described in the said Schedule.

Loan, how raised.

4 Such Loan shall be raised and secured in all respects in accordance with the provisions of the Local Bodies Loans Act, save that on a Poll being taken, if a majority of the votes polled shall be in favour of the Board borrowing the said sums, the Board may borrow the said sums and construct the works accordingly.

Power to appoint Trustees to manage works.

5—(1.) It shall be lawful for the Board to appoint Trustees to manage the works, and to delegate to the said Trustees any or all of the powers of the Board for that purpose.

(2.) Trustees shall be appointed and removed by a Resolution of the Board, at the Board's pleasure.

(3.) The number of such Trustees shall not exceed Seven.

SCHEDULE.

All that piece of land adjoining the Town of Queenborough in Tasmania and forming part of the bed of the River Derwent containing two acres one rood one perch and one-tenth of a perch or thereabout and bounded as follows; that is to say:—On the north-east by a straight line bearing south one hundred and four degrees five minutes east six chains twenty-eight links and six-tenths of a link commencing at a point on the Maryville Esplanade distant seven chains fifty-three links and three-tenths of a link from the northern angle of Quale and Napoleon streets; thence on the south-east by a line bearing south one hundred and ninety-four degrees five minutes west three chains forty-four links and eight-tenths of a link; thence on the north-west by a line bearing north two hundred and eighty-four degrees five minutes east, six chains seventy-seven links and six-tenths of a link to the Maryville Esplanade aforesaid; thence on the north-west by a line bearing north nineteen degrees five minutes east two chains and four-tenths of a link; thence on the north-east by a line bearing south one hundred and four degrees five minutes east fourteen links; and thence again on the north-west by a line bearing north twenty-seven degrees east one chain forty-six links and two-tenths of a link to the point of commencement.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 13.



AN ACT to amend "The *Perth* Water Act, 1898." [26 October, 1905.] A.D. 1905. —

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The *Perth* Water Act, 1905," and shall be incorporated with and, so far as consistent with the tenor thereof, shall be construed as one with "The *Perth* Water Act, 1898" (in this Act referred to as the Principal Act). Short title.

2 Section Fifty-six of the Principal Act is hereby amended by omitting therefrom the word "Fifty" in line Three, and by inserting in lieu thereof the words "One hundred." Amendment of Section 56 of the Principal Act.

4d.]

Perth Water.

A.D. 1905.

Amendment of
Section 61 of
the Principal Act.

3 Section Sixty-one of the Principal Act is hereby amended by omitting therefrom the word "Ten" in line Nine, and by inserting in lieu thereof the word "Fourteen."

Amendment of
Section 62 of
the Principal Act.

4 Section Sixty-two of the Principal Act is hereby amended by omitting therefrom the word "Fifty" in line Six, and by inserting in lieu thereof the words "One hundred."

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 14.

AN ACT to enable the Municipal Council of A.D. 1905.
the City of *Launceston* to borrow any Sum
or Sums of Money, not exceeding Twenty-
five thousand Pounds, for the purpose of
improving and extending the Sewerage of
the said City. [26 October, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and
with the advice and consent of the Legislative Council and House of
Assembly, in Parliament assembled, as follows :—

1 It shall be lawful for the Municipal Council of the City of *Launceston* to borrow, on security of the Municipal Rates, other than the Water or Lighting Rates, any sum or sums of money not exceeding Twenty-five thousand Pounds, for the purpose of improving and extending the sewerage of the said City. Council empowered to borrow £25,000.

2 If, after having borrowed the said sum or sums, or any part thereof, the said Council pays off the same, it shall be lawful for the said Council again to borrow the amount so paid off, and so from time to time. Council empowered to pay off and re-borrow.

4d.]

Launceston Loan.

A.D. 1905.

— —
Loan to be in
addition to former
loans.

58 Vict. No. 30.

3 The sum or sums of money hereinbefore mentioned shall be in addition to any sum or sums of money borrowed by the said Council under the Act of the Parliament of *Tasmania* of the 50th *Victoria*, No. 2; and the provisions of "The *Launceston* Corporation Act" relating to Mortgages of Rates shall be applicable to any sum or sums of money borrowed under this Act.

Sinking Fund to
be established.

4 The said Council shall, for the purpose of creating a Sinking Fund, to be applied as hereinafter mentioned, annually set apart out of the moneys carried to the credit of the General Account of the Municipality of the City of *Launceston*, a sum of One Pound per centum per annum on the amount of all moneys raised and borrowed under the authority of this Act; and such Sinking Fund shall be from time to time applicable to the purchase or redemption of mortgages representing such moneys, and for no other purpose whatsoever.

Short title.

5 This Act may be cited as "The *Launceston* Sewerage Loans Act, 1905."

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 15.

AN ACT supplementary to the Acts for appropriating certain Sums arising from the Consolidated Revenue Fund to the Service of the State of *Tasmania* for the Six Months ended the Thirtieth day of *June*, 1904. A.D. 1905.

[26 October, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 Out of the Consolidated Revenue Fund of the State of *Tasmania* there shall and may be appropriated, issued, and applied, in the manner hereinafter provided, for the Service of the Six Months ended the Thirtieth day of *June*, One thousand nine hundred and four, for the several purposes specified in the Schedule, any sum or sums of money not exceeding in amount respectively the several sums of money therein specified. Appropriation.

1s. 2d.]

Supplementary Appropriation, 1904.

A.D. 1905.

—
Moneys payable
by Warrant of
Governor.

2 The Treasurer shall issue and pay the said several sums to such persons for the purposes hereinbefore mentioned upon such days and in such proportions as the Governor, by any Warrant under his hand, from time to time, orders and directs; and the payments so to be made shall be charged upon and payable out of the Consolidated Revenue Fund of the said State.

Credit to be given
to the Treasurer
in Accounts.

3 The said Treasurer shall be allowed credit in his Accounts for any sum or sums of money paid by him in pursuance of any such Warrant as aforesaid; and the receipts of the respective persons to whom the same are so paid shall be a full and valid discharge to the said Treasurer in passing his said Accounts for any such sums as are therein mentioned, and he shall receive credit for the same accordingly.

SCHEDULE.

SIX MONTHS ENDED 30TH JUNE, 1904.

	<i>Lapsed Votes and Arrears.</i>			<i>Cases of Emergency.</i>			<i>Excesses in detail.</i>			TOTAL.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
HIS EXCELLENCY THE GOVERNOR'S ESTABLISHMENT.												
Salaries—												
Private Secretary to Sir A. E. Havelock, half salary while on leave of absence for three months, from 17th April, 1904 .....			...	25	13	10						
Contingencies—												
Maintenance of Government House, under 56 Vict. No. 11	12	15	3									
Postage, Telegrams, and Telephones .....			...				27	17	3	66	6	4
MINISTERIAL.												
Contingencies—												
Travelling Expenses of Ministers, Carriage Hire, and Miscellaneous Expenses .....			...				0	19	3	0	19	3
PREMIER'S OFFICE.												
Contingencies—												
Stationery, Stores, and Sundries .....			...				9	7	7			
Postage, Telegrams, and Telephones .....			...				9	13	9	19	1	4
EXECUTIVE COUNCIL.												
Contingencies—												
Stationery, Stores, and Sundries .....			...				0	16	6	0	16	6
MISCELLANEOUS—PREMIER.												
Cost of Publications, including Photographs, sent to England and elsewhere .....			...				4	2	5			
Cost of providing the Naval Commander-in-Chief with a residence in Hobart .....			...	445	19	11				450	2	4
LEGISLATURE—LEGISLATIVE COUNCIL.												
Contingencies—												
Incidental Expenses, including Catering, Stationery, Stores, and Uniform for Messengers .....			...				10	14	7	10	14	7
<i>Carried forward</i>	12	15	3	471	13	9	63	11	4	548	0	4

	<i>Lapsed Votes and Arrears.</i>	<i>Cases of Emergency.</i>	<i>Excesses in detail.</i>	<i>TOTAL</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward</i>	12 15 3	471 13 9	63 11 4	548 0
LEGISLATURE—HOUSE OF ASSEMBLY.				
Contingencies—				
Stationery, Stores, Insurance of Books in Library, and Uniform for Messengers .....	...	...	6 5 6	6 5
ELECTORAL.				
Electoral Rolls, Expenses of making	58 0 0	...	187 3 7	
Elections, Expenses of .....	...	...	1 0 10	246 4
SPECIAL SERVICES.				
Printing Bills, Notice Papers, and Journals, &c., Par- liamentary Papers, Acts, Electoral Rolls, and Printing generally .....	...	...	49 12 3	49 12
CHIEF SECRETARY'S DEPARTMENT.				
Contingencies—				
Newspapers, Petty Expenses, and Stationery and Stores	0 14 0	...	0 12 2	
Fuel, Light, Instruments, Stationery, Stores, Printing, and Miscellaneous (Meteorological)... ..	5 12 10			6 19
AUDIT DEPARTMENT.				
Contingencies—				
Stationery, Stores, Advertising, and Incidental Expenses .....	...	...	2 5 3	2 5
STATISTICAL AND REGISTRATION DEPARTMENT.				
Contingencies—				
Registers for Births and Deaths, Incidental Expenses, Cost of Collecting Statistics, and Stationery and Stores	0 6 6			0 6
PENSIONS, RETIRED ALLOWANCES, &c.				
John Hurford, from 23rd December, 1903, to 30th June, 1904, at £78 9s. 9d. per annum... ..	1 18 0	39 4 6		41 2
CHARITABLE DEPARTMENT.				
Contingencies—				
Out-door Relief, Medical Attendance on Paupers in Hobart and Country Districts, and Temporary Provision for Tramps, administered by Wardens and Stipendiary Magistrates under the super- vision of the Hon. the Chief Secretary	18 2 0			
Maintenance of Deaf, Dumb, and Blind Children, Maintenance of Paupers in Country Hospitals, Maintenance of Destitute Persons not otherwise provided for, Examination of Insane, Stationery and Stores, and Miscellaneous Expenses	5 5 0	...	120 13 9	
Transport and Funeral Expenses.....	0 10 0			144 10
<i>Carried forward</i>	103 3 7	510 18 3	431 4 8	1045 6

	<i>Lapsed Votes and Arrears.</i>	<i>Cases of Emergency.</i>	<i>Excesses in detail.</i>	<i>TOTAL</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward.....</i>	103 3 7	510 18 3	431 4 8	1045 6 6
TRAINING SCHOOL FOR BOYS, AND FARM.				
Contingencies—				
Provisions, Clothing, Bedding, Stores, Stationery, Fuel, Light, Alterations and Repairs to Build- ings, Miscellaneous Expenses, Farm Expenses, including Derwent Park	2 15 4			2 15 4
NEW TOWN CHARITABLE INSTITUTION.				
Contingencies—				
Stores, Stationery, Clothing, Bedding, and Pro- visions, Fuel and Light, Medicines and Medical Comforts, Miscellaneous (including Funeral Expenses), Repairs (including Fencing)	22 13 11			22 13 11
NEGLECTED CHILDREN DEPARTMENT.				
Industrial Schools and Training School for Girls.				
Boys' Home, Hobart.....	...	...	8 11 5	8 11 5
INVALID DEPOT, LAUNCESTON.				
Salaries—				
Assistant Superintendent, from 1st May to 30th June, 1904, at £150 per annum.....	...	25 0 0		
Matron, from 1st May to 30th June, 1904, at £12 per annum .....	...	2 0 0		
Nurse, from 1st May to 30th June, 1904, at £40 per annum .....	...	6 13 4		
Male and Female Attendants (Inmates), from 1st May to 30th June .....	...	15 14 0		
Contingencies—				
Stores, Stationery, Clothing, Bedding, Provisions, Fuel and Light, Medicines and Medical Com- forts, and Miscellaneous.....	...	110 6 10		159 14 2
GRANTS TO MEDICAL INSTITUTIONS.				
General Hospital, Launceston	35 7 5	...	250 0 0	285 7 5
HOSPITAL FOR THE INSANE, NEW NORFOLK.				
Attendants—				
Special Nurses (2) at £35 per annum each, one from 1st January, 1904, the other from 28th February, 1904.....	...	28 6 8		
Attendants (3) at £70 per annum each, two from 2nd May, 1904, and one from 14th May, 1904 .....	...	2 5 9		
Contingencies—				
Uniforms, Patients' Recreation and Petty Expenses, Provisions, Medical Comforts, Bedding, Clothing, Stores, Stationery, &c., Fuel and Light, Con- veyance of Stores, Medicines, Incidental Ex- penses (including Furniture and Advertising), Coroners' Inquests and Funeral Expenses, Repairs to Buildings, <i>locum tenens</i> for Medical Officers, Attendants, and Nurses	270 0 0			
Clerical Assistance .....	...	2 12 4		303 4 9
<i>Carried forward</i>	434 0 3	703 17 2	689 16 1	1827 13 6

	<i>Lapsed Votes and Arrears.</i>	<i>Cases of Emergency.</i>	<i>Excesses in detail.</i>	<i>TOTAL</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward</i>	434 0 3	703 17 2	689 16 1	1827 13 6
PUBLIC HEALTH DEPARTMENT.				
Contingencies—				
Travelling Expenses .....	...	...	32 11 5	
Contribution to Cost of administering Public Health Act	40 3 5	...	5 10 0	
Postage and Telegrams .....	...	...	15 4 11	
Printing .....	...	...	40 2 6	
For the purposes of the Quarantine Act .....	...	119 0 4		
Expenses in connection with Extermination of Rats, with a view to preventing the introduction of bubonic plague.....	140 13 1	133 4 2		526 9 6
AGRICULTURAL AND STOCK DEPARTMENT.				
Contingencies—				
Californian Thistle Destruction, Rabbits on Crown Land, Destruction of, Officers' Travelling Expenses, Railway Fares, Stationery, Advertising, and Miscellaneous; Entomological and other Inspection of Imported and Exported Fruit, Trees, &c.; Fees and Expenses, Veterinary Surgeon	47 19 9	...	11 19 2	
Postage, Telegrams, and Telephones.....	...	...	10 0 0	
Allowance to Poultry Expert for keep of horse and cart .....	...	12 10 0	...	82 8 2
COUNCIL OF AGRICULTURE.				
Contingencies—				
Members' and Officers' Travelling Expenses, Railway Fares, Printing, including <i>Agricultural Gazette</i> , Stationery, Advertising, and Miscellaneous	1 4 0			1 4 0
MISCELLANEOUS—CHIEF SECRETARY.				
"The Fire Brigades Act," Expenses in connection with	67 4 4			
Inquests, including Municipal .....	...	...	28 4 5	
Advertising Government Notices	1 13 0			
Advertising Applications for Public House Licences	1 17 0			98 18 9
SMALLPOX EPIDEMIC IN TASMANIA.....	787 5 10	677 5 6		1464 11 5
TREASURY.				
Contingencies—				
Stationery, Stores, and Miscellaneous Expenses ...	...	...	14 13 0	14 13 0
OFFICE OF TAXES.				
Contingencies—				
Stationery and Stores, Cost of Collection of Rates and Taxes, Advertising, &c.	1 5 6			
Clerical Assistance and Expenses in connection with preparation of new Assessment Rolls	47 12 0	...	37 17 3	
<i>Carried forward</i>	1570 18 2	1645 17 2	885 18 9	4015 14 1

	<i>Lapsed Votes and Arrears.</i>	<i>Cases of Emergency.</i>	<i>Excesses in detail.</i>	<i>TOTAL.</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward.....</i>	1570 18 2	1645 17 2	885 18 9	4015 19 4
OFFICE OF TAXES—continued.				
Printing Valuation Rolls, &c.....	...	...	91 12 1	
Bonus to Commissioner of Taxes for additional work and responsibility .....	..	25 0 0		
Travelling Expenses .....	...	...	26 14 10	230 1 8
HUNTING DEPARTMENT.				
Wages to Establishment.....	...	...	1000 11 7	
Contingencies—				
Printing .....	...	...	5 4 9	1005 16 4
MISCELLANEOUS—TREASURER.				
Premiums of Exchange upon Remittances .....	...	...	9 2 0	
Refund of part of Fee in respect of a Public-house Licence for the <i>Queen's Head Hotel</i> , Perth.....	...	10 0 0		19 2 0
ATTORNEY-GENERAL.				
Salaries—				
Parliamentary Draftsman, from 1st May to 30th June, 1904, at £240 per annum .....	...	40 0 0		
Messenger, Amount short paid to him on his trans- fer to Technical School .....	...	...	0 16 8	
Contingencies—				
Travelling Expenses of Law Officers .....	...	...	7 14 10	48 11 6
SOLICITOR-GENERAL.				
Salaries—				
Acting Conveyancing Solicitor, at £20 16s. 8d. per month, from 1st March to 30th June, 1904 .....	...	83 6 8		
Contingencies—				
Stationery and Stores, Clerical and other Assistance .....	...	...	93 18 1	
Printing .....	...	...	12 14 3	
Postage, Telegrams, and Telephones.....	...	...	44 11 10	234 10 10
THE JUDGES.				
Contingencies—				
Travelling Expenses of Judges and Officers attending the Circuit Courts.....	...	...	48 2 4	
Printing .....	...	...	1 10 3	
Rent of Telephone to Chief Justice.....	...	...	3 0 0	52 12 7
SUPREME COURT, REGISTRY OF DEEDS, PROBATE DUTIES, & STAMP DUTIES.				
Salaries—				
Probationer, from 1st March to 30th June, 1904, at £30 per annum .....	...	10 0 0		
Contingencies—				
Stationery and Stores, Allowance for Spoiled Stamps, and Postage on Packets which can- not be franked.....	...	...	3 17 4	13 17 4
<i>Carried forward</i>	1570 18 2	1814 3 10	2235 9 7	5620 11 7

	Lapsed Votes and Arrears.			Cases of Emergency.			Excesses in detail.			TOTAL		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward.....	1570	18	2	1814	3	10	2235	9	7	5620	11	
LANDS TITLES.												
Salaries—												
Clerk, from 1st January to 30th June, 1904, at £94 per annum.....	...			47	0	0						
Contingencies—												
Printing.....	...			...			24	6	3			
										71	6	
SHERIFF AND COURT OF REQUESTS.												
Contingencies—												
Stationery, Stores, Incidental and Unforeseen Expenses .....	...			...			7	8	1			
										7	8	
ADMINISTRATION OF JUSTICE.												
Crown Witnesses' Expenses on Criminal Trials ...	4	10	6									
										4	10	
COURT OF REQUESTS AND COURT OF BANKRUPTCY, LAUNCESTON.												
Contingencies—												
Postage, Telegrams, and Telephones.....	...			...			1	15	0			
										1	15	
MAGISTRACY—District of Hobart.												
Contingencies—												
Travelling Expenses, Police Magistrate and Commissioner.....	...			...			5	0	6			
										5	0	
Districts of Beaconsfield, Lefroy and George Town.												
Contingencies—												
Stationery and Stores, Rent of Court House, Lefroy, Fuel and Light, Cleansing Court House and Offices, Beaconsfield .....	...			...			0	18	11			
										0	18	
District of East Devon.												
Contingencies—												
Travelling Expenses, Police Magistrate and Commissioner .....	...			...			9	19	9			
										9	19	
Districts of Emu Bay, West Devon, and Russell.												
Salaries—												
Registrar and Bailiff Court of Quarter Sessions, King Island, from 1st January to 30th June, 1905, at £15 per annum.....	...			7	10	0						
Contingencies—												
Stationery and Stores, Fuel and Light, Rent of Court House, Penguin, Rent of Town Hall, King Island, Miscellaneous, and Cleansing.....	...			...			4	5	5			
										11	15	
District of Macquarie.												
Contingencies—												
Miscellaneous, Cleaning, Sanitary Service, Station- ery and Stores, Fuel and Light .....	...			...			6	1	4			
Printing.....	...			...			7	10	5			
										13	11	
Carried forward.....	1575	8	8	1868	13	10	2302	15	3	5746	17	

	<i>Lapsed Votes and Arrears.</i>			<i>Cases of Emergency.</i>			<i>Excesses in detail.</i>			<i>TOTAL.</i>		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
<i>Brought forward</i>	1575	8	8	1868	13	10	2302	15	3	5746	17	9
POLICE DEPARTMENT.												
Allowances—												
House Allowances and Rent of Quarters.....	0	8	0									
Contingencies—												
Uniforms .....	...			...			9	0	0			
Supervision of Totalisators.....	...			...			22	8	2			
Miscellaneous Expenses, including Medical Attendance and Medicine, extra Constables, purchase &c. Boats, Newspapers and Books; Ferry, Mersey; Pay of Female Searcher and Office Cleaner, and Pay of Drill Instructor	5	11	9	...			39	14	6			
Gratuity to Special Constable Coghlan .....	...			6	0	0						
Cost of M.H. rifle barrels supplied to Police	50	10	0	...			...	
										133	12	5
GAOL, HOBART.												
Contingencies—												
Clothing, Bedding, Stores and Stationery, Uni- forms, Provisions, Medical Comforts, Fuel and Light, Miscellaneous	8	5	4							8	5	4
GAOL, LAUNCESTON.												
Contingencies—												
Postage, Telegrams, and Telephones .....	...			...			1	10	0			
Printing .....	...			...			0	6	0			
										1	16	0
GAOLS—GENERAL SERVICE.												
Escort of Prisoners and Transport of Discharged Prisoners, Alterations and Repairs, Earnings of Prisoners.....	0	12	0							0	12	0
EDUCATION DEPARTMENT.												
Salaries—												
Truant Officer, Beaconsfield, from 1st May to 30th June, 1904, at £25 per annum .....	...			4	3	4						
Salaries and Allowances to Teachers, and Main- tenance of Schools under Education Depart- ment .....	...			..			212	18	3			
Repairs and Improvements to State Schools	12	9	6									
For purposes of Technical Education	29	6	3	...			1	19	3			
School of Mines, Beaconsfield	16	11	9									
Contingencies—												
Stationery and Stores .....	...			...			6	12	4			
Payment to Mr. W. L. Neale for travelling expenses incurred when reporting on the Educa- tional System in Tasmania .....	...			106	17	8						
Travelling Expenses of Officer visiting Laun- ceston on Departmental Business .....	...			2	11	0						
Clerical Assistance .....	...			20	16	6						
										414	5	10
<i>Carried forward</i>	1699	3	3	2009	2	4	2597	3	9	6305	9	4

	<i>Lapsed Votes and Arrears.</i>			<i>Cases of Emergency.</i>			<i>Excesses in detail.</i>			TOTAL	
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.
<i>Brought forward</i>	1699	3	3	2009	2	4	2597	3	9	6305	9
DEPARTMENT OF LANDS AND SURVEYS.											
Salaries—											
Clerk, from 16th to 30th June, 1904, at £150 per annum .....	...			6	5	0					
Junior Clerk, from 1st January to 30th June, 1904, at £30 per annum .....	...			15	0	0					
Contingencies—											
Incidental Expenses, Crown Bailiffs, &c., Commission for Selling Public Lands, Collecting Residence &c. Licences, Miscellaneous Expenses, Stationery, Stores, and Advertising .....	...			...			77	14	0		
										98	19
DEPARTMENT OF PUBLIC WORKS.											
Contingencies—											
Stationery, Stores, Incidental Expenses, including Stamps on Receipts for Deposits, and Advertising .....	...			...			23	9	1		
										23	9
DEPARTMENT OF MINES.											
Salaries—Eastern Mining Division—											
Registrar, Gladstone, from 1st January to 30th June, 1904, at £15 per annum .....	...			7	10	0					
Inspector of Mines, Queenstown, from 1st to 15th January, 1904, from which date his services were dispensed with.....	...			10	1	7					
Contingencies—											
Geologists and Inspectors of Mines, Travelling Expenses .....	...			...			32	6	7		
Bonus to W. A. Steele for services rendered as Acting Registrar of Mines, Scottsdale, during the absence of the Registrar .....	...			5	0	0					
										54	18
DEPARTMENT OF RAILWAYS.											
Contingencies—											
Miscellaneous.											
Uniforms, Advertising, Printing, Travelling, Incidental Expenses, and Contribution to Railway Bureau.....	7	18	8								
Allowance to the Widow of the late Michael Jenkins .....	...			50	0	0					
Gratuity to Thomas Cole to defray the cost of an artificial leg .....	...			11	13	8					
Retiring Allowance to Louis Zantuck, Repairer ...	...			37	16	0					
Ditto H. E. Darby, Stationmaster, Fingal ...	...			64	13	1					
Ditto W. J. Bird, Carpenter.....	...			11	1	0					
Ditto Peter Keats, Carriage Builder.....	...			14	17	6					
Ditto A. E. Croft, Carpenter.....	...			15	14	6					
										213	14
ROADS, BRIDGES, SURVEYS, TRACKS, BUILDINGS, FERRIES, &c.											
Survey of Lands for Sale, for Lease, or for Public Purposes	243	10	4								
Subsidies for Main Roads	18	5	7								
Victoria Main Road Board, repayment of contribution for 1903, made in error.....	21	0	0								
<i>Carried forward</i>	1989	17	10	2258	14	8	2730	13	5	6696	10

	<i>Lapsed Votes and Arrears.</i>	<i>Cases of Emergency.</i>	<i>Excesses in detail.</i>	<i>TOTAL</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward</i>	1989 17 10	2258 14 8	2730 13 5	6696 10 0
ROADS, BRIDGES, SURVEYS, &c.—continued.				
Fingal Main Road Board, in lieu of contribution specified in Main Roads Maintenance Act, such contribution not being now payable by the Trust, it having levied a 1s. rate.....	...	28 0 0		
Westbury Main Road Board, ditto .....	...	11 5 0		
Furniture Public Offices generally.....	2 7 0	...	39 16 2	
Repairs to Roads and Fences, and improving and maintaining Franklin Square, Queen's Domain, Barrack Reserve, Hobart, and Parliament House Reserve.....	...	...	4 17 6	
				369 1 7
MISCELLANEOUS—MINISTER OF LANDS AND WORKS.				
Destruction of Native Tigers	1 0 0			
Expenses in connection with Royal Commission on proposed Railways .....	...	200 0 0		
Expenses in connection with Centenary Celebrations and erection of Obelisk .....	...	301 2 7		
Expenses of Royal Commission on proposed Public Works .....	...	94 7 8		
Rent of a building supposed to have been erected on Crown Land in the Parish of Scottsdale, but which was afterwards ascertained to be almost wholly upon private property.....	...	5 0 0		
Refund of Survey Fees on 25 acres, Town of Moriarty .....	...	3 2 6		
Cost of Survey of Hunter Island Passage.....	155 11 5			
Refund of Survey Fees on 25 acres, Parish of Yolla .....	...	4 0 0		
Refund of Survey Fees deposited in accordance with the provisions of C. L. Act, 1890, and Amendments, during the operation of such Acts, surveys effected but applications withdrawn, to enable applicants to select under C.L. Act, 1903 .....	...	53 5 0		
				817 9 2
MISCELLANEOUS—GENERAL.				
To provide for Payment of Salaries to retiring Civil Servants whilst on leave of absence, in accordance with Resolutions of Parliament .....	...	25 7 7		
To provide for Payment of Gratuities to Widows of deceased Civil Servants of the State, in accordance with Resolutions of Parliament .....	...	245 1 11		
Gratuity to Widow of late M. Hornsby, Messenger, Education Department .....	...	34 15 9		
Gratuity to Widow of late John Miles, State School Teacher and Registrar of Births, Deaths, &c, Lefroy .....	...	113 3 4		
Gratuities to Widows of deceased Commonwealth Officers up to the time of their transfer to the Commonwealth, calculated on the same basis as allowed to State Officers by Resolutions of Parliament, November, 1903—				
Gratuity to Widow of late H. V Bayley, Deputy Postmaster-General, Hobart .....	...	329 6 9		
<i>Carried forward</i>	2148 16 3	3706 12 9	2775 7 1	7883 0 9

	<i>Lapsed Votes and Arrears.</i>	<i>Cases of Emergency.</i>	<i>Excesses in detail.</i>	<i>TOTAL</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward ...</i>	2148 16 3	3706 12 9	2775 7 1	7883 0 0
MISCELLANEOUS—GENERAL—continued.				
Gratuity to Widow of late W. Kirkwood, Letter Carrier, Launceston.....	...	90 3 1		
Gratuity to Widow of late John Miles, Postmaster, Lefroy .....	..	52 8 10		
Gratuity to Widow of late M. J. Flynn, Letter Carrier, Hobart .....	...	53 8 1		
Gratuity to Widow of late Jesse White, Valuator, Customs Department, Hobart.....	...	33 12 2		
Gratuity to Widow of late James Cox, Storeman, Customs Department, Launceston.....	...	21 16 6		
Gratuity to Widow of late E. Woolley, Lineman, Post and Telegraph Department .....	...	22 10 10		
Gratuity to Widow of late G. Cox, Storeman and Caretaker, Customs Department, Launceston.	...	95 13 6		
Gratuity to Widow of late T. Mead, Messenger, Post and Telegraph Department, Hobart .....	...	11 19 6		
Retiring allowance to E. C. Nowell, Clerk, Executive Council, equivalent to Six month's leave of absence .....	...	50 0 0		
Railway Fares for Commonwealth Defence Forces .....	...	282 2 8		
Refund of Customs Duty and Wharfage on Sugar supplied to General Hospital, Hobart ...	6 5 0			
Refund of Customs Duty on 1 case Ink supplied to Railway Department	0 10 7			
Cost of Dies, &c., for New Duty Stamps, and printing sheets of the same.....	...	178 19 3		
Unforeseen Expenses—				
Steamer Fares for Members of Parliament to and from Hobart and Strahan	£ s. d. 12 5 0			
Cost of Photographic Views for the purpose of Advertising Tasmania .	19 17 3			
Cost of marking-up copies of Tasmanian Statutes	2 12 0			
Cost of supervising Gravel Quarry, Queen's Domain	0 19 4			
Expenses in connection with Conference held at Launceston, in respect of "Local Government Bill"	49 2 6			
Subscription for a Telephone to the Analyst	3 0 0			
Interest on overdrawn Bank Account of the Hon. the Treasurer with the Commercial Bank, Hobart	21 14 3			
Expenses of Under-Treasurer when accompanying the Hon. the Treasurer to a Conference of Treasurers, held at Melbourne.....	14 19 0			
Rent of offices occupied by Cook's Tourist Association	22 10 0			
<i>Carried forward</i>	146 19 4	2155 11 10	4599 7 2	2775 7 1
				7883 0 9

		<i>Lapsed Votes and Arrears.</i>	<i>Cases of Emergency.</i>	<i>Excesses in detail.</i>	<i>TOTAL.</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward</i>	146 19 4	2155 11 10	4599 7 2	2775 7 1	7883 0 9
ISCELLANEOUS—GENERAL—<i>contd.</i>					
<i>Unforeseen Expenses—continued.</i>					
Interest on amount held at deposit by the Treasurer on behalf of the Trustees Guesdon's Charitable Be- quests	6 0 0				
Pay for Guard of Honour and Escort on the occasion of the opening of the State Parliament	21 2 9				
Arbitration fees and costs of award <i>re</i> Ross Municipal Buildings.....	30 14 0				
Cost of Tasmanian Views for repro- duction by <i>The Review of Reviews..</i>	3 15 0				
Fee for Preparation of Paper dealing with the Historical features of Tas- mania for <i>The Review of Reviews..</i>	3 3 0				
Cost of Inquiry into casualty to the <i>Ketch Sisters</i>	19 13 10				
Amount of costs in a prosecution for non-stamping a document.....	0 8 6				
Compensation for cancellation of Agreement between S. Hutton and the Government in respect of the leasing of the Glen Dhu property at Launceston	12 0 0				
Cost of obtaining report upon the pro- posed Clock for the Hobart Post Office	10 0 0				
Railway Fares in connection with Government Printing Office Picnic	16 17 6				
Subscription to Telephone Bell and Switch for the Hon. A. Morrisby's Office	0 13 0				
Counsel's Fee on Brief to hear judg- ment in case <i>Pedder v. D'Emden...</i>	10 10 0				
Cost of picking and destroying In- fected Fruit in orchard at Carr Villa, Launceston	2 5 0				
Fare to Sydney of a stowaway per s.s. <i>Warragal</i>	1 10 0				
Cost of removal of Police Clerk, Queenstown to Hobart	21 13 2				
Travelling and Personal Expenses of Police Clerk, Strahan, while acting as Police Clerk and Registrar at Queenstown	21 15 6				
Legal Expenses in case, <i>The King</i> <i>ats. Warren</i>	5 11 0				
Legal Expenses in case, <i>The King</i> <i>ats. Slater</i>	11 0 2				
<i>Carried forward</i>	345 11 9	2155 11 10	4599 7 2	2775 7 1	7883 0 9

	<i>Lapsed Votes and Arrears.</i>	<i>Cases of Emergency.</i>	<i>Excesses in detail.</i>	<i>TOTAL.</i>
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward</i>	345 11 9	2155 11 0	459 7 2	2775 7 1
MISCELLANEOUS—GENERAL—contd.				
<i>Unforeseen Expenses—continued.</i>				
Legal Expenses in case, <i>Rex v. Duncan</i>	3 0 0			
Legal Expenses in case, <i>J. Henry and others v. Brocklehurst, re Wharfage Dues</i>	0 2 6			
Stamp Duty on Deed of Covenant, <i>Messrs. O'May Bros. and Minister of Lands and Works</i>	0 5 0			
Expenses in connection with Royal Commission of Inquiry into charges made by a Member of Parliament against an Inspector of Mines	12 15 2			
Interest from date of sale on amount paid to A. Slater as a refund of deposit on Lot 11, Sec. I 2, Town of Strahan, the sale of the land having been afterwards cancelled	0 8 0			
Cost of Notice Boards, <i>re Bathing at Cornelian Bay</i>	1 0 3			
Expenses in law suit, <i>The State of Tasmania ats. The State of Victoria</i>	366 13 11			
Cost of removal of Police Clerk, <i>Strahan to Queenstown</i>	17 16 4			
Cost of Advertising in Interstate papers <i>re Steamship Service to South Africa</i>	3 0 6			
Hire of Carriages for Distinguished Visitors	3 0 0			
Cost of Lantern Slides of Tasmanian Views	1 7 0			
Cost of copies of <i>Pall Mall Magazine</i>	25 0 0			
Stamp Duty on Draft <i>re National Soldiers' Memorial</i>	0 4 0			
Subscription to <i>Chemical News</i> for Analyst... ..	0 14 8			
	780 19 1			
Less amount provided by Appropriation Act	400 0 0			
	380 19 1	...	380 19 1	2028 4 5
		2155 11 10	4980 6 3	2775 7 1
				9911 5 2

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 16.

AN ACT to further amend “The *Hobart Water* A.D. 1905.
Act, 1893.” [26 October, 1905.] —

WHEREAS it is expedient to further amend “The *Hobart* PREAMBLE.
Water Act, 1893,” in the manner hereinafter appearing :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited for all purposes as “The *Hobart Water* Short title.
Act, 1905.”

2 In the construction and for the purposes of this Act—

Interpretation.

The expression “the said Act” shall mean “The *Hobart Water* 57 Vict. No. 25.
Act, 1893 :”

The expression “Judge” shall mean a Judge of the Supreme
Court of *Tasmania* sitting in Chambers or in open Court :

The expression “the said river” shall mean the *North-West*
Bay River :

The expression “the *Gazette*” shall mean the *Hobart Gazette* :

8d.]

Hobart Water.

A.D. 1905.

62 Vict. No. 12.

The expression "the Riparian Proprietors Act" shall mean an Act to secure the rights of the riparian proprietors upon the *North-West Bay River*.

Additional
sources of supply
of water.

3 The following rivers, streams, and waters shall, in addition to those mentioned in Section Seven of the said Act, constitute further sources of the supply of water for the purposes of the said Act :—

- i. The said river: Provided that the Corporation shall be entitled to take, divert, or impound One-half, and no more, of the waters naturally flowing down the main channel of the said river at the point of intake upon such main channel; but the Corporation may take and divert from the said river, in addition to such One-half of the waters, a quantity of water equal to any quantity which it may divert into the said river from any other river or stream, and a further quantity equal to any quantity which it may conserve and afterwards discharge into the said river, subject to the condition that the Corporation shall not impound and divert at the same time a quantity in the whole greater than One-half of the water naturally flowing in the said river :
- ii. All streams and waters flowing into the said river between the *Plains Rivulet* and the said river (which said streams and waters are hereinafter referred to as "the tributaries thereof") :
- iii. All rivers, streams, and waters arising in or flowing through the area described in the Schedule (1.) of this Act.

Schedule (1.).

Provisions
applicable to
taking of waters
of the said rivers,
&c.

Compensation to
be made.

All damage
considered as if
actually sustained.

4 The provisions of this Section shall apply to the taking, diverting, and impounding of the waters of the said river and the tributaries thereof, under the powers conferred upon the Corporation by this Act :—

- i. The Corporation shall make full compensation to all persons lawfully interested in the waters of the said river and the tributaries thereof for all damage or injury sustained, or which may be sustained, by them or any of them by reason of the taking, diverting, or impounding of any of the said waters under the powers aforesaid :
- ii. Every notice by this Section required to be given, every claim by this Section required to be made, and every amount of compensation required to be ascertained and paid shall be given, made, ascertained, and paid, as the case may be, as if the Corporation had then exercised all the powers conferred upon it by this Act with regard to such waters, and regard shall be had not only to the damage or injury then actually sustained, but to all prospective damage or injury which may be sustained when the Corporation has fully exercised all such powers as aforesaid :

Hobart Water.

- iii. All persons lawfully interested as aforesaid shall (except in the cases where their claims for compensation have been previously mutually agreed upon) prefer their claims for compensation for all such damage or injury, actual or prospective as aforesaid, by notice in writing addressed to the Council and served upon the Town Clerk : A.D. 1905.
——
Notice of claim to be given.
- iv. Every such notice shall specify the place of abode of the claimant, the particular act or authorised act which occasions or may occasion the damage or injury, actual or prospective, for which compensation is claimed, the nature and amount of such damage or injury, and the nature of the title or interest of such claimant in or to the water or land in respect of which the claim is preferred : What notice to specify.
- v. Every such notice shall be served as aforesaid within Three months after the passing of this Act, and no compensation in respect of any such damage or injury as aforesaid which may then, or may at any time thereafter, be sustained, or in respect of any such damage or injury as aforesaid for which compensation is not then claimed, shall be payable to any person who fails to serve such notice within such Three months: Notice to be given within Three months.
- vi. The amount to be paid by the Corporation to each of such persons by way of compensation shall be such sum as may be mutually agreed upon, or, failing agreement, the amount shall be ascertained in the manner hereinafter provided : How compensation to be ascertained.
- vii. No compensation shall be payable to any person or persons lawfully interested in the waters of the said river and the tributaries thereof until the total amount of the compensation to be paid to all such persons for all damage or injury sustained, or which may be sustained by them as aforesaid, shall be ascertained by mutual agreement or in the manner hereinafter provided : No compensation payable until total amount ascertained.
- viii. If the total amount of the compensation to be paid to all persons lawfully interested in the said waters for all damage or injury as aforesaid shall, when ascertained, appear to the Council to be excessive, and if the Council shall deem it inexpedient to pay the amount of compensation so ascertained, it shall be lawful for the Council, in its discretion, upon giving notice in the *Gazette* of its intention so to do, to discontinue the taking, diverting, and impounding of such waters and the exercise of the powers conferred upon the Corporation by this Act with regard to such waters, and thereupon and so long as such taking, diverting, and impounding, or such exercise of the said powers be discontinued, no compensation shall be payable by the Corporation to such persons or any of them, whether such compensation has been ascertained by mutual agreement or otherwise ; but the Corporation shall pay all Council may discontinue exercise of its powers.

Hobart Water.

A.D. 1905.

Council may
proceed.Powers conferred
by 3 Ed. VII.
No. 33 continued.Council to give
public notice.How compensa-
tion to be
ascertained.

the costs incurred, up to the date when such notice is given, by any person in connection with the ascertaining the amount of compensation by a Judge in the manner hereinafter provided, and in the event of any dispute or difference in reference to the amount of such costs the same may be taxed by the Taxing Officer of the Supreme Court as between solicitor and client :

ix. If, when the total amount of such compensation has been ascertained as aforesaid, the Council shall determine to continue such taking, diverting, and impounding as aforesaid, and to exercise the powers conferred upon the Corporation by this Act with regard to such waters, the Council shall, as soon as practicable, give notice in the *Gazette* of such determination, and thereupon the Riparian Proprietors Act shall be repealed, and all amounts of compensation, whether ascertained by mutual agreement or in manner hereinafter provided, shall forthwith be paid by the Council to the persons legally entitled to the same:

x. All the powers and authorities vested in the Corporation by Section Three of "The *Hobart Water Act*, 1903," are hereby continued from the Thirtieth day of *September*, One thousand nine hundred and five, to the date when either the notice hereinbefore provided to be given under Sub-section viii. of this Section or the notice hereinbefore provided to be given under Sub-section ix. of this Section shall appear in the *Gazette*: Provided that One of such notices shall be given within Twelve months after the passing of this Act. Upon either of such notices appearing in the *Hobart Gazette* all such powers and authorities shall cease and be determined, save and except that the provisions of Section Two of the lastmentioned Act are hereby continued.

5 The Council shall cause public notice to be given of the provisions of the last preceding Section to be published Once in the *Gazette* within Three weeks after the passing of this Act, and Once a week for Three consecutive weeks in One or more daily newspapers published in *Hobart*, the first of such notices to be published within Three weeks after the passing of this Act.

6—(1.) If the Corporation and any person claiming compensation for any damage or injury, actual or prospective, sustained or to be sustained in consequence of the exercise as to the said river or any tributaries thereof of any of the powers conferred upon the Corporation by this Act do not agree as to the amount of compensation to be paid by the Corporation the amount of such compensation shall be ascertained by a Judge in the manner hereinafter provided.

Hobart Water.

(2.) The Judge may, upon the *ex parte* application of the Corporation, appoint a day, time, and place upon which he will hear and determine all questions in dispute between the Corporation and such claimant, and ascertain the amount of compensation (if any) to which the claimant is entitled. A.D. 1905.

(3.) The Corporation shall give not less than Fourteen days' notice by letter addressed to the claimant of the day, time, and place, appointed by the Judge as aforesaid.

(4.) The proceedings shall thereafter be the same as if both parties had concurred in the appointment of the Judge as single arbitrator under *The Lands Clauses Act*, and the Judge shall have all powers conferred upon an arbitrator by the lastmentioned Act, and for such purposes all the clauses of the lastmentioned Act shall be incorporated with this Act so far as the same may be necessary or applicable. 21 Vict. No. 11.

(5.) The Judge shall also have power to determine the application of the compensation money payable, summon and examine witnesses, adjourn the hearing from time to time and place to place, give directions, and make and enforce any order (including any order as to the payment of costs) in the same manner as a Judge's order may be enforced.

7 Whenever compensation is directed to be made by the Corporation to any person for any damage sustained or to be sustained by reason of the exercise as to the said river, or any tributary thereof, of the powers vested in the Corporation by the said Act or by this Act (other than compensation for land compulsorily acquired by the Corporation), the amount of such compensation shall be determined or ascertained as if the damage had been done at the date of the passing of this Act, and as if the land injuriously affected had remained in the same condition and of the same value as at the passing of this Act, and no compensation shall be given for any damage done to any rights which shall arise or accrue to any person after the passing of this Act. Damages to be ascertained as at date of passing of Act.

8 The Corporation, after the commencement of this Act, shall not supply water drawn from the *Hobart Rivulet* to any person for human consumption. *Hobart Rivulet* not to be used for human consumption.

9—(1.) The title of the Corporation to and its rights over the land described in Schedule (3.) hereto, or any part thereof, are hereby transferred to and vested in His Majesty, his heirs and successors. Lands to be vested in the Corporation, and control of same.

(2.) The land described in Schedule (1.) and in Schedule (2.) of this Act is hereby vested in the Corporation for the purposes of the water-supply of the City of *Hobart* and its suburbs.

(3.) The Corporation may construct and maintain such waterworks upon the said land described in Schedules (1.) and (2.), or any part thereof, as the Council may think proper, and may fence off or adopt such other means for securing the purity of the water flowing through the said land as the Council may deem expedient.

(4.) Any person, not being an officer of the Corporation, who shall enter upon the said land, described in Schedules (1.) and (2.), without

Hobart Water.

A.D. 1905.

the consent in writing of the Municipal Council or of the Director of Waterworks for the time being, shall incur a penalty not exceeding Five Pounds.

Charge for water
supplied to the
Government.

10 The Corporation may supply water for domestic or other purposes to any buildings or premises the property of or occupied by or on behalf of His Majesty, and used for a public purpose, within the limits of the said Act, by measure, and shall be entitled to receive the sum of One Shilling for each One thousand gallons for all water so supplied up to Ten million gallons per annum, and the sum of Nine Pence for each One thousand gallons for all water so supplied over Ten million gallons.

Water Reserve.

11 No part of the land reserved as a Water Reserve by the Proclamation of His Excellency the Governor, dated the Thirteenth day of *December*, One thousand nine hundred and one, shall be alienated without the consent of Parliament.

Acts to be read
together.

12 This Act and the said Act, and every Act amending the said Act, shall, save as altered or amended by this Act, be read and construed together as one and the same Act; and the said Act, and every Act amending the same and this Act may be referred to and may be cited for all purposes as "The *Hobart Water Acts*, 1893 to 1905."

SCHEDULE.

(1.)

DESCRIPTION OF LAND FOR A FURTHER SOURCE OF SUPPLY
IN CONNECTION WITH THE WATER SUPPLY FOR THE CITY
OF HOBART.

Commencing at ten chains below the intake on the North-West Bay River, constructed under 64 Victoria, Number 64, 1900; thence in a straight line south forty-two degrees west for a distance of about twenty-eight chains to the top of the "Thumbs"; thence in a straight line north forty-two degrees west for a distance of about sixty-eight chains to the top of Mount Montagu; thence in a straight line north-westerly to the north-eastern corner of Lot ninety acres—Charles Oates; thence along the northern boundary of that lot to its north-western corner; thence in a straight line south-westerly to the north-eastern corner of Lot ninety-six acres two roods—Charles Oates, senior; thence along the northern and western boundaries of this lot and Lot fifty four acres—Charles Oates—Lot , unoccupied, Lot forty-nine acres three roods nine perches—Charles Oates, junior; thence from the south-west corner of the lastmentioned land by a straight line south-westerly to the north-east corner of Lot forty-nine acres twenty perches, unoccupied; thence along the eastern and southern boundaries of this land and Lot forty-nine acres two roods twenty-seven perches, unoccupied; thence in a south-westerly direction by a straight line to the north-west corner of Lot forty-nine acres three roods twenty-three perches—W. Oates; thence along the western boundary of the said land to the northern boundary of Lot 2823, one hundred and ninety-eight acres—W. T. Short; thence along the northern boundary of the said land to its north-western corner; thence in a westerly direction by a straight line to the north-east corner of Lot fifty acres one rood seven perches, unoccupied; thence along the northern boundary of the said land to its north-west corner; thence in a north-westerly direction by a straight

Hobart Water.

line to the south-east corner of Lot forty-five acres three roods thirty-eight perches—Henry Harris; thence along the eastern and southern boundaries of this land, and the eastern boundary of Lot forty-nine acres two roods twenty-three perches—Elizabeth Harris; thence along the southern, eastern, and northern boundaries of Lot twenty-four acres one rood nine perches—John Harris; thence westerly by a straight line to the north-eastern corner of Lot forty-seven acres one rood six perches—Eliza Harris's; thence in a northerly direction by a straight line to the south-eastern corner of Lot fifty acres—William Albury, jun.; thence along the eastern boundary of the said land to its north-eastern corner; thence northerly in a straight line for a distance of about two hundred and forty chains to meet the prolongation of the southern boundary line of Lot 6051, fifty acres, unoccupied; thence easterly in a straight line along the said prolongation and the said southern boundary to the south-eastern corner of that land; thence along the eastern boundary to its north-eastern corner; thence in an easterly direction by a straight line to the south-west corner of Lot 5672, forty-nine acres, unoccupied; thence along the southern boundary to the south-eastern corner of the said land; thence in an easterly direction by a straight line for a distance of about five hundred and twenty chains to the New Town Creek, where it intercepts the north-western boundary of Lot two thousand six hundred and sixty acres—Joseph Allport and Thomas Young; thence along the north-western, western, and southern boundaries of the said Lot to the intersection of the North-West Bay River; thence in a south-westerly and south-easterly direction along the eastern bank North West Bay River and including the bed and waters of the said river to the intake, the point of commencement.

A.D. 1903.

(2.)

DESCRIPTION OF AREA TO BE RESERVED IN CONNECTION
WITH THE WATER-SUPPLY OF THE CITY OF HOBART, BEING
PORTION OF 3750 ACRES RESERVED BY THE GOVERNOR IN
COUNCIL ON THE 25TH SEPTEMBER, 1871.

Commencing at the north-west angle of Lot 488, two hundred and fifty acres, purchased by Alfred Hall; thence along the western boundary of the said lot to the north-east corner of twenty-three acres one rood twenty perches, purchased by S. Kearney; thence westerly along the northern boundary of the said land, purchased by S. Kearney, to the north-west corner thereof; thence southerly along the western boundaries of lands purchased respectively by S. Kearney, R. Willicombe, E. W. Williams, and S. Fairs, to the north-east corner of fifteen acres, purchased by W. C. Pignuit; thence north-westerly along the northern boundary of the said fifteen acres to the north-western corner thereof; thence southerly along the western boundary of the said fifteen acres, and also forty acres, purchased by W. C. Pignuit, to the south-west corner of the said forty acres; thence south-easterly along the southern boundary of the said forty acres to its intersection with the western boundary of land purchased by John Watchorn, eighteen acres; thence southerly along the western boundaries of land aforesaid, purchased by John Watchorn, and land purchased by William Walker, fourteen acres, to the north-eastern corner of Lot 3876, fifty acres, purchased by J. Laughton; thence westerly along the northern boundary of the said Lot 3876 to the north-west corner thereof; thence southerly along the western boundary of the said Lot 3876 to the south-west corner thereof; thence easterly along the southern boundary of the said Lot 3876 to the north-west corner of forty acres purchased by E. Campbell; thence southerly and south-westerly along the western and north-western boundaries of the said forty acres to its intersection with the north-eastern boundary of Lot 4070, eighty acres, purchased by Richard Millhouse; thence north-westerly along the north-eastern boundary of the said Lot 4070 to the north-west corner thereof; thence south-westerly along the north-western boundary of the said Lot 4070 to the north-east corner of Lot 836, one hundred acres, purchased by William Cheverton; thence north-westerly along the north-eastern boundary of the said Lot 836 to the north corner thereof and its intersection with the south-eastern boundary of

Hobart Water.

A.D. 1905.

Lot 862, one hundred acres, purchased by Henry Nicholls; thence north-easterly along the south-eastern boundary of the said Lot 862 to the eastern corner thereof; thence in a north-westerly direction along the north-eastern boundary of the said Lot 862 to the northern corner thereof; thence in a south-westerly direction along the north-western boundary of the said Lot 862, and also along the north-western boundary of an allotment of fifty acres, purchased by F. Hensley, to the intersection of the last-mentioned boundary with the North-West Bay River; thence along the North-West Bay River in a north-westerly, westerly, north-westerly, and north-easterly direction to its intersection with the southern boundary of two thousand six hundred and sixty acres granted to Joseph Allport and Thomas Young; thence north-easterly along the southern boundary of the said two thousand six hundred and sixty acres for its whole remaining distance to the south-east angle of the said two thousand six hundred and sixty acres; thence north-easterly for a distance of thirty chains along the south-eastern boundary of the said two thousand six hundred and sixty acres; thence by a straight line in a south-easterly direction to the "Rocking Stone;" thence by a straight line in a south-easterly direction to the southern side of the Shelter Shed at the "Springs;" thence by a straight line in a south-easterly direction to a point intersecting the prolongation of the western boundary of Lot 488, two hundred and fifty acres, purchased by Alfred Hall, such point on the prolongation being ten chains from the north-west corner of the said lot; thence by a straight line in a southerly direction along this prolongation to the north-west corner of the said lot, being the point of commencement.

(3.)

DESCRIPTION OF LAND KNOWN AS THE EASTERN FACE OF MOUNT WELLINGTON TO BE RESERVED AS A NATIONAL PARK, AND BEING PORTION OF 3750 ACRES ORIGINALLY RESERVED IN CONNECTION WITH THE WATER-SUPPLY OF THE CITY OF HOBART, BY THE GOVERNOR IN COUNCIL ON THE 25TH SEPTEMBER, 1871.

Commencing at the north-west angle of Lot 488, two hundred and fifty acres, purchased by Alfred Hall; thence along the northern boundary of the said lot to its intersection with the Huon Road; thence in a north-easterly direction along the Huon Road to the intersection of the western boundary of forty-seven acres three roods ten perches, purchased by E. J. Baynton; thence in a northerly direction along the western boundary of the said land to its intersection with the Sandy Bay Rivulet; thence in a north-westerly direction along the Sandy Bay Rivulet to the south-west corner of two thousand acres granted to Peter Degraives; thence in a north-westerly direction along the south-western boundary of the said two thousand acres to its intersection with the boundary of two thousand six hundred and sixty acres, granted to Joseph Allport and Thomas Young; thence in a south-westerly direction along the said boundary of the said two thousand six hundred and sixty acres to the angle formed by the two boundary lines adjacent to the Mount Wellington Trigonometrical Station; thence in a south-westerly direction along the south-eastern boundary of the said two thousand six hundred and sixty acres for a distance of twenty-seven chains; thence by a straight line in a south-easterly direction to the "Rocking Stone;" thence by a straight line in a south-easterly direction to the southern side of the Shelter Shed at the "Springs;" thence by a straight line in a south-easterly direction to a point intersecting the prolongation of the western boundary of Lot 488, two hundred and fifty acres, purchased by Alfred Hall, such point on the prolongation being ten chains from the north-west corner of the said lot; thence by a straight line in a southerly direction along this prolongation to the north-west corner of the said lot, being the point of commencement.

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 17.



AN ACT to grant and apply a Sum out of A.D. 1905.
the Consolidated Revenue Fund to the
Service of the Year ending the Thirtieth
day of *June*, One thousand nine hundred and
six, and to appropriate the Supplies granted
for such Year in this Session of the
Parliament. [30 October, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and
with the advice and consent of the Legislative Council and House of
Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Appropriation Act, 1905–6.” Short title.

2 The Treasurer may issue out of the Consolidated Revenue Fund Issue and appli-
of *Tasmania*, and apply towards making good the Supply hereby cation of
granted to His Majesty for the Service of the year ending the £333,384 13s. 1d.
Thirtieth day of *June*, One thousand nine hundred and six, the Sum
of Three hundred and thirty-three thousand three hundred and eighty-
four Pounds Thirteen Shillings and One Penny.

Appropriation, 1905-6.

A.D. 1905.

—
Appropriation of
Supplies.

3 All sums granted by this Act and "The Supply Act (No. 1), 1905-6," out of the Consolidated Revenue Fund towards making good the Supply granted to His Majesty, amounting, as appears by the First Schedule to this Act, in the aggregate to the Sum of Four hundred and forty-three thousand three hundred and eighty-four Pounds Thirteen Shillings and One Penny, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of "The Supply Act (No. 1), 1905-6," for the purposes and services expressed in the Second Schedule.

Moneys payable
by Warrant of
the Governor.

4 The Treasurer shall issue and pay the several sums to such persons for the purposes in the said Second Schedule mentioned, upon such days and in such proportions as the Governor, by any Warrant under his hand, from time to time orders and directs; and the payments so to be made shall be charged upon and payable out of the Consolidated Revenue Fund.

Credit to be
given to the
Treasurer in
Accounts.

5 The said Treasurer shall be allowed credit in his Accounts for any sums of money paid by him in pursuance of any such Warrant as aforesaid; and the receipts of the respective persons to whom the same are so paid shall be a full and valid discharge to the said Treasurer in passing his said Accounts for any such sums as are therein mentioned, and he shall receive credit for the same accordingly.

FIRST SCHEDULE.

GRANTS OUT OF THE CONSOLIDATED REVENUE FUND.

	£	s.	d.
Under "The Supply Act (No. 1), 1905-6"	110,000	0	0
Under this Act	333,384	13	1
	<u>£443,384</u>	<u>13</u>	<u>1</u>

Appropriation, 1905-6.

SECOND SCHEDULE.

AUTHORISED EXPENDITURE

CHARGEABLE ON

CONSOLIDATED REVENUE FUND

FOR THE YEAR 1905-6.

Depart- mental Number.		1904-5.	1905-6.	To be reserved by Law.	To be voted.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
	PREMIER—				
1	His Excellency the Governor's Estab- lishment	3493 13 10	3452 0 0	3310 0 0	142 0 0
2	Ministerial	3450 0 0	3400 0 0	3200 0 0	200 0 0
3	Premier's Office	415 15 0	418 0 0	..	418 0 0
4	Executive Council	6 0 0	6 0 0	..	6 0 0
5	Agent-General in England	1320 0 0	1320 0 0	1310 0 0	10 0 0
6-7	Education	67,882 10 0	67,180 0 0	4000 0 0	63,180 0 0
8	Miscellaneous	140 0 0	430 0 0	..	430 0 0
	CHIEF SECRETARY—				
9	Legislature	11,988 11 8	12,294 6 8	6118 6 8	6176 0 0
10	Chief Secretary's Department	1020 15 0	1040 0 0	..	1040 0 0
11	Audit Department	2755 0 0	2845 0 0	500 0 0	2345 0 0
12	Statistical & Registration Department	2911 0 0	2911 0 0	..	2911 0 0
13	Inspection of Machinery	1281 0 0	1281 0 0	..	1281 0 0
14	Public Buildings	1528 0 0	1528 0 0	..	1528 0 0
15	Pensions	12,527 0 0	12,608 16 5	12,263 13 4	345 3 1
16-25	Charitable and Medical Institutions ..	49,491 1 6	48,693 0 0	..	48,693 0 0
26	Magazines and Explosives	414 5 0	415 0 0	..	415 0 0
27	Civil Service Board	269 0 0	205 0 0	180 0 0	25 0 0
28	Stores Department to 31 August	153 13 4	See Treasury	..	..
	Miscellaneous	3967 0 0	4267 0 0	1750 0 0	2517 0 0
	TREASURER—				
29	Treasury	* 4580 6 8	4774 0 0	..	4774 0 0
30	Office of Taxes	4140 0 0	5052 0 0	..	5052 0 0
31	Printing Department	10,036 0 0	10,476 0 0	..	10,476 0 0
32	State Savings Bank	2076 0 0	1100 0 0	..	1100 0 0
	Department of Mines	5694 0 0	See No. 58	..	..
33	Interest	352,583 0 0	352,402 0 0	352,402 0 0	..
34	Sinking Funds	29,969 0 0	27,779 0 0	24,232 0 0	3547 0 0
35	Miscellaneous	3530 0 0	2990 0 0	..	2990 0 0
	ATTORNEY-GENERAL—				
36-44	Judicial	15,906 15 8	15,325 0 0	4350 0 0	10,975 0 0
45-51	Magistracy	4507 6 8	4537 10 0	..	4537 10 0
52	Police	36,519 10 0	35,727 0 0	..	35,727 0 0
53-55	Gaols	6021 0 0	5971 0 0	..	5971 0 0
	MINISTER OF LANDS AND WORKS—				
56-57	Lands and Works Departments	9748 0 0	9644 0 0	..	9644 0 0
58	Department of Mines	See Treasurer.	5329 0 0	..	5329 0 0
59	Agricultural and Stock Department ..	3379 2 6	2006 0 0	..	2006 0 0
60	Council of Agriculture	1645 0 0	..	..	1645 0 0
61	Railways	176,290 10 0	177,539 0 0	..	177,539 0 0
62	Roads, Bridges, Surveys, &c.	18,475 0 0	25,485 0 0	1000 0 0	24,485 0 0
63	Miscellaneous	125 0 0	125 0 0	..	125 0 0
64	MISCELLANEOUS—General	6270 0 0	5800 0 0	..	5800 0 0
		£ 854,864 16 10	858,000 13 1	414,616 0 0	443,384 13 1

* Including Stores Department from 1 September.

Appropriation, 1905-6.

Premier.

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
I.—HIS EXCELLENCY THE GOVERNOR'S ESTABLISHMENT.			<i>£ s d.</i>	<i>£ s d.</i>
SALARIES.				
1 His Excellency the Governor, including Allowance			2705 0 0	2750 0 0
Private Secretary, from 1 July to 28 October, at £250			81 6 4	..
Private Secretary to Sir A. E. Havelock (half-salary from 1 to 16 July, 1904)			5 7 6	..
2 Office Attendant and Caretaker, with Quarters, say £20	G	C	90 0 0	90 0 0
3 Overseer of Grounds	G	C	80 0 0	80 0 0
			<u>£2961 13 10</u>	<u>£2920 0 0</u>
CONTINGENCIES.				
4 Maintenance of Government House, under 56 Vict. No. 11			400 0 0	400 0 0
5 Stationery, Stores, Fuel, Light, Printing, Newspapers (for offices), Uniform for Office Attendant, and Maintenance of Gas Lamps at Gates			55 0 0	55 0 0
6 Postage, Telegrams, and Telephones			77 0 0	77 0 0
			<u>532 0 0</u>	<u>532 0 0</u>
<i>Total His Excellency the Governor....</i>			<u>£3493 13 10</u>	<u>£3452 0 0</u>
Reserved by Law			£3310 0 0	
To be voted			142 0 0	
			<u>£3452 0 0</u>	
II.—MINISTERIAL.				
SALARIES.				
1 Premier			200 0 0	200 0 0
2 Chief Secretary			750 0 0	750 0 0
3 Treasurer			750 0 0	750 0 0
4 Attorney-General			750 0 0	750 0 0
5 Minister of Lands			750 0 0	750 0 0
			<u>3200 0 0</u>	<u>3200 0 0</u>
CONTINGENCIES.				
6 Travelling Expenses of Ministers, Carriage Hire, and Miscellaneous Expenses			250 0 0	200 0 0
<i>Total Ministerial</i>			<u>£3450 0 0</u>	<u>£3400 0 0</u>
Reserved by Law			£3200 0 0	
To be voted			200 0 0	
			<u>£3400 0 0</u>	

Appropriation, 1905-6.

PREMIER—continued.

		CLASSIFICATION.		For 1904-5.	For 1905-6.
		Division.	Class.	Fixed Establishment.	Fixed Establishment.
				£ s. d.	£ s. d.
III.—PREMIER'S OFFICE.					
SALARIES.					
1 Secretary to Premier ; also Clerk to Executive Council	C	1A		220 0 0	220 0 0
2 Clerk, £50 for July, £77 from 1 August	C	4		74 15 0	77 0 0
				294 15 0	297 0 0
CONTINGENCIES.					
3 Stationery, Stores, and Sundries				40 0 0	40 0 0
4 Postage, Telegrams, and Telephone				66 0 0	66 0 0
5 Printing				15 0 0	15 0 0
				121 0 0	121 0 0
<i>Total Premier's Office</i>				£415 15 0	£418 0 0
IV.—EXECUTIVE COUNCIL.					
SALARIES.					
Clerk ; also Secretary to Premier	C	1A		..	..
CONTINGENCIES.					
1 Stationery, Stores, and Sundries				6 0 0	6 0 0
<i>Total Executive Council</i>				£6 0 0	£6 0 0
V.—AGENT-GENERAL IN ENGLAND.					
SALARIES.					
1 Agent-General	C	2		400 0 0	400 0 0
2 Secretary and Chief Clerk	C	2		250 0 0	250 0 0
3 Junior Clerk	C	4		120 0 0	120 0 0
				770 0 0	770 0 0
CONTINGENCIES.					
4 Travelling and Miscellaneous Expenses ; Stationery, Stores, and Incidental Expenses ; Rent of Office ; (Income Tax, Agent-General and Staff, 1904-5)				550 0 0	550 0 0
<i>Total Agent-General's Department</i>				£1320 0 0	£1320 0 0
Reserved by Law				£1810	
To be voted				10	
				£1820	

Appropriation, 1905-6.

PREMIER—continued.

	CLASSIFICATION.		For 1904-5.			For 1905-6.		
	Division.	Class.	Fixed Establishment.			Fixed Establishment.		
			£	s.	d.	£	s.	d.
Education.								
VI.—EDUCATION DEPARTMENT.								
SALARIES.								
1 Director of Education, (£450 from 1 July to 31 December, 1904, £600 from 1 January, 1905.)	P	1	525	0	0	600	0	0
2 Secretary, (£375 from 1 July to 31 December, £450 from 1 January, 1905)			412	10	0	450	0	0
Inspector of Schools; also Inspector Industrial Schools	P	2	325	0	0	} included in Item 14.		
Inspector of Schools, ditto	P	2	300	0	0			
Inspector of Schools, ditto	P	2	250	0	0			
3 Chief Clerk and Accountant	C	3	180	0	0	180	0	0
4 Clerk	C	4	140	0	0	140	0	0
5 Clerk	C	4	135	0	0	135	0	0
6 Clerk	C	4	75	0	0	85	0	0
7 Clerk	C	4	65	0	0	75	0	0
8 Clerk	C	4	30	0	0	40	0	0
9 Truant Officer	G	4	120	0	0	120	0	0
10 Truant Officer; also Inquiring Officer Charitable Institutions, £25; and Inspecting Officer Neglected Children, £20	G	4	100	0	0	106	0	0
11 Truant Officer, (2 at £30 each, 1 at £25, in 1904-5)	G	4	85	0	0	30	0	0
12 Messenger, with Quarters, say £20	G	C	100	0	0	100	0	0
13 Caretaker, Launceston—also Office Keeper, Public Building, Launceston, £90, with Quarters, Fuel, and Light	G	4	15	0	0	15	0	0
			2857	10	0	2070	0	0
14 Salaries and Allowances to Inspectors and Teachers and Maintenance of Schools under the Education Department (including Training Schools, Manual Training Schools, and Domestic Economy Schools). Teachers in State Schools and Provisional Schools to be paid in accordance with the scale in the Regulations under the Education Act of 1885, and in no case shall a Teacher be paid a salary exceeding the maximum of his class.						51,170	0	0
Salaries and Allowances to Teachers, and Maintenance of Schools under Education Department Model School, including Salaries and Boarding Allowances of Students and Teachers on probation			51,100	0	0			
			300	0	0			
15 Repairs and Improvements to State Schools....			1900	0	0	1900	0	0
			53,300	0	0	53,070	0	0
16 For purposes of Technical Education			1700	0	0	1700	0	0
17 School of Mines, Zeehan			700	0	0	700	0	0
18 School of Mines, Beaconsfield			250	0	0	250	0	0
			2650	0	0	2650	0	0
Carried forward			58,807	10	0	57,790	0	0

Appropriation, 1905-6.

PREMIER—continued.

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
			£ s. d.	£ s. d.
EDUCATION DEPARTMENT—continued.				
<i>Brought forward</i>			58,807 10 0	57,790 0 0
CONTINGENCIES.				
19 Expenditure, Boards of Advice, Repairs, Cleansing Out-offices, and Fuel, State Schools	2000 0 0
20 Boards of Advice—Salaries of Secretaries, Postages, Stationery, and Sundries	500 0 0
Expenditure to be administered by Boards of Advice, viz.—Petty Repairs and Improvements, Cleansing, and Fuel, State Schools; also Clerical Assistance to Boards of Advice..			3000 0 0	..
21 School Cleaning and General Maintenance (half-year)	500 0 0
22 Stationery and Stores			60 0 0	60 0 0
23 Travelling Expenses of Director, Inspectors, and Officers of Department			700 0 0	900 0 0
24 For purposes of Instruction in Physical Culture, including Salary of Instructor, £180			250 0 0	250 0 0
25 Printing			200 0 0	400 0 0
26 Free Railway Tickets for Scholars			450 0 0	330 0 0
27 Postage, Telegrams, and Telephones			415 0 0	300 0 0
28 Education of Deaf Mutes (half-year)	150 0 0
			5075 0 0	5390 0 0
<i>Total Education Department</i>			63,882 10 0	63,180 0 0
<i>Estimated Revenue for School Fees</i>				13,500 0 0
VII.—TASMANIAN UNIVERSITY.				
Contribution in terms of Section 22 of Act 53 Vict. No. 41			4000 0 0	4000 0 0
Reserved by Law			£4000	
TOTAL EDUCATION			£67,882 10 0	£67,180 0 0
VIII.—MISCELLANEOUS. Premier.				
1 Cost of Parliamentary and other Papers and Books from England			50 0 0	50 0 0
2 Cost of Publications, including Photographs, sent to England and elsewhere			90 0 0	80 0 0
3 Expenses connected with Royal Commission on Civil Service	300 0 0
			£140 0 0	£430 0 0

*Appropriation, 1905-6.***Chief Secretary.**

	CLASSIFI- CATION.		For 1904-5	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
			£ s. d.	£ s. d.
Legislature.				
IX.—HOUSES OF PARLIAMENT.				
LEGISLATIVE COUNCIL.				
SALARIES.				
1 President			350 0 0	350 0 0
2 Chairman of Committees			150 0 0	150 0 0
3 Clerk of the Council; also Pension, £366 13s. 4d.			33 6 8	33 6 8
4 Clerk Assistant and Usher of the Black Rod...			120 0 0	120 0 0
5 Office Keeper and Messenger—Quarters, Fuel, Light, and Water, say £30 a year			95 0 0	95 0 0
			748 6 8	748 6 8
CONTINGENCIES.				
6 Incidental Expenses, including Catering, Station- ery, Stores, and Uniform for Messengers			130 0 0	130 0 0
7 Postage, Telegraphs, and Telephones			12 5 0	13 0 0
			142 5 0	143 0 0
<i>Total Legislative Council.....</i>			<u>£890 11 8</u>	<u>891 6 8</u>

Appropriation, 1905-6.

CHIEF SECRETARY—continued.

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
			£ s. d.	£ s. d.
HOUSE OF ASSEMBLY.				
SALARIES.				
1 Speaker			350 0 0	350 0 0
2 Chairman of Committees.....			250 0 0	250 0 0
3 Clerk of the House and Librarian to Parliament			375 0 0	375 0 0
4 Sergeant-at-Arms			100 0 0	100 0 0
5 Clerk Assistant and Assistant Librarian			140 0 0	140 0 0
6 Office Keeper, Library Attendant, and Chamber Messenger—with Quarters, Fuel, Light, and Water, say £30 a year			120 0 0	120 0 0
7 Doorkeeper and Messenger.....			75 0 0	80 0 0
			<u>1410 0 0</u>	<u>1415 0 0</u>
CONTINGENCIES.				
8 Incidental Expenses, including Catering			250 0 0	250 0 0
9 Newspapers and Books of Reference			120 0 0	120 0 0
10 Stationery, Stores, Insurance of Books in Library, and Uniform for Messengers			33 0 0	33 0 0
11 Postage, Telegraphs, and Telephones.....			35 0 0	35 0 0
			<u>438 0 0</u>	<u>438 0 0</u>
<i>Total House of Assembly.....</i>			<u>£1848 0 0</u>	<u>1853 0 0</u>
GENERAL.				
1 Reimbursement of Expenses of Members of Parliament			<u>£4500 0 0</u>	<u>£4500 0 0</u>
<i>Total Ordinary Expenditure Houses of Parliament</i>			<u>£7238 11 8</u>	<u>£7244 6 8</u>
ELECTORAL.				
1 Electoral Rolls, Expenses of making.....			500 0 0	500 0 0
2 Elections, Expenses of.....			200 0 0	1000 0 0
3 Postage and Telegrams			50 0 0	50 0 0
<i>Total Electoral</i>			<u>£750 0 0</u>	<u>£1550 0 0</u>

Appropriation, 1905-6.

CHIEF SECRETARY—*continued.*

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
			£ s. d.	£ s. d.
SPECIAL SERVICES.				
1 Railway-passes for Members and Wives			2000 0 0	2000 0 0
2 Printing—Bills; Notice Papers and Journals, &c.; Parliamentary Papers; Acts; Electoral Rolls; and printing generally, including publications for exchange			2000 0 0	1500 0 0
<i>Total Special Services</i>			<u>£4000 0 0</u>	<u>£3500 0 0</u>
TOTAL LEGISLATURE			<u>11,988 11 8</u>	<u>£12,294 6 8</u>
To be reserved by Law			£6118 6 8	
To be voted.....			6176 0 0	
			<u>£12,294 6 8</u>	
 X.—CHIEF SECRETARY'S DEPARTMENT.				
SALARIES.				
1 Under Secretary	C	1A	300 0 0	300 0 0
2 Clerk	C	4	135 0 0	135 0 0
3 Clerk (Meteorological), with Quarters, £30.....	P	2	90 0 0	120 0 0
4 Clerk	C	4	60 0 0	70 0 0
5 Messenger (with Quarters, Fuel, and Light, say £20)	G	C	80 0 0	80 0 0
			<u>665 0 0</u>	<u>705 0 0</u>
 CONTINGENCIES.				
6 Newspapers, Petty Expenses, and Stationery and Stores			80 0 0	70 0 0
7 Printing			50 0 0	40 0 0
8 Postage, Telegrams, and Telephones.....			110 15 0	110 0 0
9 Fuel, Light, Instruments, Stationery, Stores, Printing, and Miscellaneous (Meteorological)			48 0 0	48 0 0
10 Allowances to Meteorological Observers			67 0 0	67 0 0
			<u>355 15 0</u>	<u>335 0 0</u>
<i>Total Chief Secretary's Department</i> ...			<u>£1020 15 0</u>	<u>£1040 0 0</u>

Appropriation, 1905-6.

CHIEF SECRETARY—continued.

		CLASSIFICATION.	For 1904-5.			For 1905-6.			
		Division.	Class.	Fixed Establishment.			Fixed Establishment.		
				£	s.	d.	£	s.	d.
XI.—AUDIT DEPARTMENT.									
SALARIES.									
1 Auditor-General (also Deputy-Auditor, Com-wealth, £100)	C	1A	500	0	0	500	0	0	
2 Chief Clerk	C	2	280	0	0	280	0	0	
3 Clerk	C	3	175	0	0	175	0	0	
4 Clerk	C	3	175	0	0	175	0	0	
5 Clerk	C	3	160	0	0	160	0	0	
6 Clerk	C	4	160	0	0	160	0	0	
7 Clerk	C	4	150	0	0	150	0	0	
8 Clerk	C	4	140	0	0	140	0	0	
9 Clerk (Stores)						120	0	0	
10 Clerk	C	4	100	0	0	105	0	0	
11 Clerk	C	4	100	0	0	105	0	0	
12 Clerk	C	4	100	0	0	60	0	0	
13 Clerk	C	P	50	0	0	35	0	0	
14 Clerical Assistant			110	0	0	110	0	0	
15 Messenger—also Stores Department, £10	G	C	80	0	0	80	0	0	
CONTINGENCIES.			2280	0	0	2355	0	0	
16 Travelling Expenses			300	0	0	330	0	0	
17 Stationery, Stores, Advertising, and Incidental Expenses			35	0	0	35	0	0	
18 Printing			75	0	0	55	0	0	
19 Postage, Telegrams, and Telephones			65	0	0	70	0	0	
			475	0	0	490	0	0	
<i>Total Audit Department</i>			£2755	0	0	£2845	0	0	
Reserved by Law			£500	0	0				
To be voted			2345	0	0				
			£2845	0	0				
<i>Estimated Revenue for Services rendered</i>						400	0	0	
XII.—STATISTICAL AND REGISTRATION DEPARTMENT.									
SALARIES.									
1 Statistician and Registrar-General	P	1A	600	0	0	600	0	0	
2 Assistant Statistician, Chief Clerk, and Registrar for Hobart	C	2	325	0	0	325	0	0	
3 Clerk	C	3	210	0	0	210	0	0	
4 Clerk, Friendly Societies; also Returning Officer, £20	C	3	200	0	0	200	0	0	
5 Clerk; also Returning Officer, £10	C	3	170	0	0	170	0	0	
6 Clerk	C	4	70	0	0	80	0	0	
7 Registrar, Launceston—also Registrar of Mines, Launceston, £125, and Clerk Lands Office, £125	C	2	20	0	0	20	0	0	
8 Resident Messenger—also Messenger to Lands and Surveys, £50, with Quarters, Fuel, and Light, estimated at £20	G	C	50	0	0	50	0	0	
ALLOWANCES.			1645	0	0	1655	0	0	
9 To Country Registrars			550	0	0	550	0	0	
CONTINGENCIES.									
10 Registers for Births and Deaths, Incidental Expenses, Cost of collecting Statistics, Stationery and Stores, &c.			60	0	0	50	0	0	
11 Printing			550	0	0	550	0	0	
12 Postage, Telegrams, and Telephones			106	0	0	106	0	0	
			716	0	0	706	0	0	
<i>Total Statistical and Registration Department</i>			£2911	0	0	£2911	0	0	
<i>Estimated Revenue for Services rendered</i>						470	0	0	

Appropriation, 1905-6.

CHIEF SECRETARY—continued.

		CLASSIFICATION.		For 1904-5.			For 1905-6.		
		Division.	Class.	Fixed Establishment.			Fixed Establishment.		
				£	s.	d.	£	s.	d.
XIII.—INSPECTION OF MACHINERY.									
SALARIES.									
1	Chief Inspector of Machinery, also Chief Inspector of Explosives, also Examiner in Steam, say £12	P	1A	285	0	0	285	0	0
2	Assistant Inspector, also Examiner in Steam, say £5	G	3	210	0	0	210	0	0
3	Second Assistant ditto	G	3	210	0	0	210	0	0
4	Third Assistant ditto and Clerk, also Adviser, Hobart Corporation on Mechanical Engineering, say £12.....	G	3	190	0	0	190	0	0
				895	0	0	895	0	0
CONTINGENCIES.									
5	Travelling Expenses			275	0	0	275	0	0
6	Stationery, Stores, Instruments and Books, Printing, and Incidental Expenses			72	0	0		0	0
7	Postage, Telegrams, and Telephones			39	0	0	39	0	0
				386	0	0	386	0	0
Total Inspection of Machinery.....				£1281	0	0	£1281	0	0
Estimated Revenue for Services rendered.....				..			1100	0	0
XIV.—PUBLIC BUILDINGS.									
SALARIES.									
1	Head Office Keeper, Hobart, and Supervisor of Stores—with Quarters, Fuel, Light, and Water, say £30 a year	G	C	160	0	0	160	0	0
2	Office Keeper Public Buildings, Davey-street, also Messenger to Minister of Lands, and Mines Department, with Quarters, Fuel, Light, and Water, say £30 a year	G	C	130	0	0	130	0	0
	Relieving Messenger and Porter	G	C	75	0	0	80	0	0
4	Office Keeper, Launceston—also Caretaker Education Department, £15, with Quarters, Fuel, Light, and Water, say £30 a year	G	C	90	0	0	90	0	0
				455	0	0	460	0	0
ALLOWANCES.									
5	Office Keeper, Launceston, for Assistance in lighting Fires, &c., in the various Departments in the Public Buildings			6	0	0	6	0	0
CONTINGENCIES.									
6	Fuel, Light, and Water, Public Offices, Hobart			870	0	0	870	0	0
7	Fuel, Light, and Water, ditto, Launceston			80	0	0	80	0	0
8	Stores for Offices generally			25	0	0	25	0	0
9	Fuel and Light, Country Public Offices			10	0	0	5	0	0
10	Uniforms for Office Keepers and Messengers, Hobart and Launceston.....			70	0	0	70	0	0
11	Telephone Service			12	0	0	12	0	0
				1067	0	0	1062	0	0
Total Public Buildings				£1528	0	0	£1528	0	0

Appropriation, 1905-6.

CHIEF SECRETARY—continued.

CLASSIFICATION.		For 1904-5.	For 1905-6.
Division.	Class.	Fixed Establishment.	Fixed Establishment.
		£ s. d.	£ s. d.
XV.—Pensions, Retired Allowances, &c.			
For the purposes of The Public Debts Sinking Funds Act.			
56 Vict. No. 24	}	11,947 0 0	11,947 0 0*
58 Vict. No. 23			
59 Vict. No. 40			
60 Vict. No. 25			
61 Vict. No. 12			
2 Edw. 7 No. 29			
J. Hurford, late Caretaker Government House..		..	78 9 9
W. R. Cooke, late Compositor, Printing Department .....		..	120 0 0
F. W. Abbott, late Draftsman, Lands and Surveys Department.....		..	146 13 4
B. Shaw, late Police Magistrate, Hobart .....		..	150 0 0*
Geo. Browne, late Judges' Associate, and Curator Intestate Estates (additional) .....		..	166 13 4*
To be voted for Pensions, J. Hurford, W. R. Cooke, F. W. Abbott, B. Shaw, and additional, G. Browne		580 0 0	
Reserved by Law		12,527 0 0	12,608 16 5
To be voted			
		£12,608 16 5	
Charitable and Medical Institutions.			
XVI.—CHARITABLE DEPARTMENT.			
SALARIES.			
1 Administrator & Registrar of Charitable Institutions; also Superintendent New Town Charitable Institution; Superintendent Boys' Training School; and Secretary Neglected Children Department, with Quarters, Fuel, Light, and Water, say £70 a year	C	1A	300 0 0 300 0 0
2 Clerk, also Clerk, New Town Charitable Institution, and Clerk Neglected Children Department, also Collector Charitable Institutions, at a Commission of 5 per cent., with Quarters, Fuel, and Light, say £20 a year	C	4	110 0 0 110 0 0
3 Junior Clerk	C	P	33 6 8 44 0 0
Carried forward.....			443 6 8 454 0 0

*Appropriation, 1905-6.*CHIEF SECRETARY—*continued.*

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
CHARITABLE DEPARTMENT—<i>continued.</i>				
<i>Brought forward.....</i>			£ s. d. 443 6 8	£ s. d. 454 0 0
4 Inquiring Officer, Hobart, also Inspector Neglected Children Department, and Store-keeper, Charitable Department, £12, with Quarters, £30	G	D	150 0 0	150 0 0
5 Inquiring Officer, Launceston; also Truant Officer, £100; & Inspecting Officer Neglected Children, Launceston, also Collector Charitable Institutions, at a commission of 10 per cent...	G	D	45 0 0	45 0 0
CONTINGENCIES.			638 6 8	649 0 0
6 Out-door Relief, Medical Attendance on Paupers in Hobart, Launceston, & Country Districts, Temporary Provision for Tramps, and Maintenance of Destitute Persons not otherwise provided for			3000 0 0	3000 0 0
7 Maintenance of Deaf, Dumb, and Blind Children, Maintenance of Paupers in Country Hospitals (Maintenance of Destitute Persons not otherwise provided for in 1904-5), Examination of Insane, Stationery and Stores, and Miscellaneous Expenses			1100 0 0	900 0 0
8 Transport and Funeral Expenses			300 0 0	300 0 0
9 Postage, Telegrams, and Telephones			100 0 0	90 0 0
10 Printing			30 0 0	25 0 0
			4530 0 0	4315 0 0
<i>Total Charitable Department.....</i>			5168 6 8	4964 0 0
XVII.—TRAINING SCHOOL FOR BOYS, AND FARM.				
SALARIES.				
1 Superintendent—also Superintendent New Town Charitable Institution, Administrator of Charitable Grants, and Secretary Neglected Children Department	G	1A	See Charitable Department.	
2 Farm Overseer, with Quarters, Fuel, Light, and Ration, £41 a year	G	A-3	120 0 0	120 0 0
3 Farm Workmaster....	G	C	70 0 0	70 0 0
4 Discipline Officer and Drill Instructor	G	C	80 0 0	80 0 0
5 Workmaster	G	C	51 13 4	50 0 0
6 Schoolmaster; also Assistant Teacher Education Department, £120			15 0 0	15 0 0
7 General Help....			20 0 0	20 0 0
CONTINGENCIES.			356 13 4	355 0 0
8 Provisions, Clothing, Bedding, Stores, Stationery, Fuel, Light, Alterations and Repairs to Buildings; Miscellaneous Expenses; Farm Expenses, including Derwent Park			750 0 0	750 0 0
<i>Total Training School for Boys, and Farm</i>			1106 13 4	1105 0 0
<i>Estimated Revenue for Services, &c.....</i>			..	580 0 0

Appropriation, 1905-6.

CHIEF SECRETARY—continued.

CLASSIFICATION.		For 1904-5.	For 1905-6.	
Division.	Class.	Fixed Establishment.	Fixed Establishment.	
		£ s. d.	£ s. d.	
XVIII.—NEW TOWN CHARITABLE INSTITUTION.				
SALARIES.				
<i>Male Officers.</i>				
1 Superintendent and Storekeeper, also Administrator of Charitable Grants; Superintendent Training School for Boys; and Secretary Neglected Children Department				
2 Clerk, also Clerk Charitable Department; Clerk Neglected Children Department; and Collector for Charitable Institutions				
3 Overseer—with Quarters, Fuel, Light, and Ration, £41.....	G	A4	85 0 0	85 0 0
4 Head Warder—with Quarters, Fuel, Light, and Ration	G	C	75 0 0	75 0 0
5 Four Wardsmen—with Board, Fuel, Light, and Uniform, £30	G	C	240 0 0	240 0 0
6 Male and Female Attendants			290 0 0	280 0 0
<i>Female Officers.</i>				
7 Matron—with Quarters, Fuel and Light, and Servant, £40	G	A	80 0 0	80 0 0
Head Nurse and Cook—with Quarters, Fuel, Light, and Ration, £30	G	C	60 0 0	..
8 Head Nurse—with Quarters, &c., £30			40 0 0	40 0 0
9 Nurses—2 at £30 each—with Quarters, &c., £30 .....			..	60 0 0
			870 0 0	860 0 0
CONTINGENCIES.				
10 Stores, Stationery, Clothing, and Bedding, Provisions, Fuel, Light, Medicines and Medical Comforts, Miscellaneous, including Funeral Expenses, Repairs, including Fencing			3800 0 0	3800 0 0
11 Re-shingling Buildings .....			..	100 0 0
			£3800 0 0	£3900 0 0
			£4670 0 0	£4760 0 0
			..	235 0 0
<i>Total New Town Charitable Institution....</i>				
<i>Estimated Revenue for Service, &c.</i>				
XIX.—NEGLECTED CHILDREN DEPARTMENT.				
CONTINGENCIES.				
1 Rations, Fuel and Light, and Miscellaneous ..			20 0 0	20 0 0
INDUSTRIAL SCHOOLS AND TRAINING SCHOOL FOR GIRLS.				
<i>Contributions towards Children detained in the under-mentioned Institutions under the provisions of the "Industrial Schools Act:—"</i>				
2 Boys' Home, Hobart			364 0 0	364 0 0
3 Industrial School for Females, Hobart			250 0 0	250 0 0
4 St. Joseph's Orphanage, Hobart.....			300 0 0	300 0 0
5 Industrial School for Females, Launceston, including Teacher's salary, £25.....			230 0 0	232 0 0
Training School for Girls, Hobart			55 0 0	..
			1199 0 0	1196 0 0
			1219 0 0	1216 0 0
<i>Carried forward.....</i>				

Appropriation, 1905-6.

CHIEF SECRETARY—continued.

		CLASSIFICATION.	For 1904-5.			For 1905-6.		
		Division.	Fixed Establishment.			Fixed Establishment.		
		Class.	£	s.	d.	£	s.	d.
			1219	0	0	1216	0	0
			2000	0	0	1800	0	0
			300	0	0	300	0	0
			50	0	0	50	0	0
			350	0	0	350	0	0
			£3569	0	0	£3366	0	0
				
			150	0	0	150	0	0
			12	0	0	12	0	0
			40	0	0	40	0	0
			96	0	0	96	0	0
			298	0	0	298	0	0
			702	0	0	694	0	0
			..			8	0	0
			702	0	0	702	0	0
			£1000	0	0	£1000	0	0
			..			60	0	0
			200	0	0	200	0	0
			200	0	0	200	0	0
			300	0	0	300	0	0
			£700	0	0	£700	0	0
			4500	0	0	4500	0	0
			4500	0	0	4500	0	0
			1300	0	0	1300	0	0
			1300	0	0	1300	0	0
			400	0	0	400	0	0
			500	0	0	400	0	0
			200	0	0	200	0	0
			180	0	0	180	0	0
			100	0	0	100	0	0
			100	0	0	100	0	0
			60	0	0	60	0	0
			*200	0	0	200	0	0
			200	0	0	200	0	0
			100	0	0	100	0	0
			£13,640	0	0	£13,540	0	0

NEGLECTED CHILDREN DEPARTMENT—continued.	
Brought forward	
6	MAINTENANCE OF DESTITUTE CHILDREN UNDER THE BOARDING-OUT SYSTEM
FREE SCHOOLS.	
7	Cascades School, Watchorn-street School, Lower Collins-street School, Hobart
8	St. Luke's School, Hobart
Total Neglected Children Department..	
XX.—INVALID DEPOT, LAUNCESTON.	
SALARIES.	
1	Superintendent—with Quarters, Fuel, and Light, say £52—also Clerk Court Requests, £160
2	Assistant Superintendent—with Quarters, Fuel, and Light, say £35
3	Matron—also Female Warder, Gaol, £45
4	Nurse—with Quarters, Fuel, and Light, say £30
5	Male and Female Attendants.....
CONTINGENCIES.	
6	Stores, Stationery, Clothing, Bedding, Provisions, Fuel, Light, Medicines, Medical Comforts, and Miscellaneous
7	Postage, Telegrams, and Telephones, £5; printing, £3
Total Invalid Depot, Launceston	
Estimated Revenue for Services rendered	
XXI.—GRANTS TO CHARITABLE INSTITUTIONS.	
1	Benevolent Society, Hobart
2	Benevolent Society, Launceston
3	Blind Asylum, Hobart
Total Grants to Charitable Institutions..	
XXII.—GRANTS TO MEDICAL INSTITUTIONS.	
1	General Hospital, Hobart
2	General Hospital, Launceston
3	General Hospital, Hobart
4	General Hospital, Launceston
5	Hospital, Zeehan
6	Ditto, Queenstown
7	Ditto, Beaconsfield
8	Ditto, Latrobe
9	Ditto, Strahan
10	Ditto, Waratah
11	Ditto, Campbell Town
12	Homœopathic Hospital, Hobart.....
13	Ditto, Launceston
14	Queen Victoria Hospital, Launceston
Total Grants to Medical Institutions	

Appropriation, 1905-6.

CHIEF SECRETARY—continued.

		CLASSIFI- CATION.	For 1904-5.			For 1905-6.			
		Division.	Class.	Fixed Establishment.			Fixed Establishment.		
				£	s.	d.	£	s.	d.
XXIII—HOSPITAL FOR THE INSANE, NEW NORFOLK.									
SALARIES.									
1 Superintendent and Medical Officer—with Quarters, Fuel, and Light, say £60 a year..	P	B 1A		550	0	0	550	0	0
2 Assistant Medical Officer—Furnished Quarters, Fuel, and Light, £30	P	B 1B		325	0	0	325	0	0
3 Clerk and Storekeeper—Ration, £11 12s.	C	3		240	0	0	170	0	0
4 Assistant Clerk—Ration, £11 12s.	C	4		135	0	0	120	0	0
5 Chief Attendant—Uniform, House, Rations, &c. £43.....	G	B		160	0	0	160	0	0
6 First Senior Attendant, £115 to 30th April, £120 from 1st May—Uniform, House, Rations, &c., £35	G	C		125	0	0	116	0	0
7 Second Senior Attendant, £100 to 30th April, £105 from 1st May—Uniform & Rations, £13 14s. 2d.....	G	C		105	0	0	101	0	0
8 Matron—Furnished Quarters, Fuel, Light, Rations, and Attendance, £50	G	A 3		150	0	0	150	0	0
9 Sub-Matron—Furnished Quarters, Fuel, Light, &c., £40.....	G	C		100	0	0	100	0	0
10 Working Farm Overseer—House, Ration, Fuel and Light, £25	G	A 4		80	0	0	80	0	0
11 Engineer	G	A 3		182	0	0	182	0	0
12 Chairman of Official Visitors.....				..			52	0	0
				2152	0	0	2106	0	0
ATTENDANTS.									
13 Gatekeeper †				70	0	0	70	0	0
14 Carpenter †.....				94	0	0	94	0	0
15 Painter and Plumber†.....				94	0	0	94	0	0
16 Shoemaker †				75	0	0	75	0	0
17 Baker †.....				90	0	0	90	0	0
18 Tailor †.....				75	0	0	75	0	0
19 Cook †				80	0	0	80	0	0
20 Gardener*				70	0	0	70	0	0
21 Ploughman, £70* ; Milkman, £70 †				140	0	0	140	0	0
22 Senior Night Attendant †				90	0	0	90	0	0
23 Three Night Attendants, 1 at £80†, 2 at £75†	G	C		230	0	0	230	0	0
24 Attendant in Charge of Sick Ward†				80	0	0	80	0	0
25 Twenty-eight Attendants† from £60 to £80 per annum (Twenty-nine in 1904-5)				2035	0	0	1966	0	0
26 Stokers—2 at £80†.....				160	0	0	160	0	0
27 Nurses & Laundresses, Thirty-eight § (36 in 1904-5)				1520	0	0	1585	0	0
				4903	0	0	4899	0	0
				7055	0	0	7005	0	0
				9	2	6	10	0	0
				7064	2	6	7015	0	0
ALLOWANCES.									
28 Barber, for duties in connection with Morgue, 6d. per diem									
Carried forward									

* Rations, £11 11s. 4d. † Uniform and Rations, £13 14s. 2d. ‡ Uniform, Ration, and House, £23 14s. 2d.
§ Rations and Uniform, £14 8s. 6d.

Appropriation, 1905-6.

CHIEF SECRETARY—continued.

	CLASSIFICATION.		For 1904-5.			For 1905-6.		
	Division.	Class.	Fixed Establishment.			Fixed Establishment.		
HOSPITAL FOR THE INSANE, NEW NORFOLK—continued.			£	s.	d.	£	s.	d.
<i>Brought forward</i>			7064	2	6	7015	0	0
CONTINGENCIES.								
29 Travelling Expenses of Special Visitors			30	0	0	30	0	0
30 Uniforms; Patients' Recreation and Petty Expenses; Provisions; Medical Comforts; Bedding, Clothing, Stores, Stationery, &c.; Fuel and Light; Conveyance of Stores; Medicines; Incidental Expenses, including Furniture, and Advertising; Coroner's Inquests and Funeral Expenses; Repairs to Buildings; <i>Locum Tenens</i> for Medical Officers, Attendants, and Nurses			10,500	0	0	10,250	0	0
31 Postage, Telegrams, and Telephones			42	0	0	52	0	0
32 Printing			33	0	0	33	0	0
<i>Total Hospital for Insane</i>			10,605	0	0	10,365	0	0
<i>Estimated Revenue for Services</i>			17,669	2	6	17,380	0	0
						4500	0	0
XXIV.—HOSPITALS FOR CONTAGIOUS DISEASES.								
1 Hobart			100	0	0	20	0	0
2 Launceston			165	0	0	165	0	0
<i>Total Hospitals for Contagious Diseases</i>			£265	0	0	£185	0	0
XXV.—PUBLIC HEALTH DEPARTMENT.								
SALARIES.								
1 Chief Health Officer	P 1A	1	600	0	0	600	0	0
2 Secretary; also Under-Secretary, £300								
3 Medical Officer for all Government Departments, Hobart			100	0	0	100	0	0
4 Port Health Officer, Hobart			50	0	0	50	0	0
5 Clerk	C	4	100	0	0	105	0	0
6 Clerk	C	4	33	15	0	45	0	0
7 Clerk			30	0	0	30	0	0
			913	15	0	930	0	0
ALLOWANCES.								
8 Caretaker, Quarantine Station, Barnes Bay ...			20	0	0	20	0	0
9 Ditto, for keep of 2 Cows			20	16	0	21	0	0
10 Assistant Caretaker, Barnes Bay			12	0	0	12	0	0
11 Caretaker Verulam Isolation Hospital			20	0	0	30	0	0
			72	16	0	83	0	0
<i>Carried forward</i>			986	11	0	1013	0	0

*Appropriation, 1905-6.*CHIEF SECRETARY—*continued.*

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
			£ s. d.	£ s. d.
<i>Brought forward</i>			986 11 0	1013 0 0
PUBLIC HEALTH DEPARTMENT— continued.				
CONTINGENCIES.				
12 Travelling Expenses			50 0 0	75 0 0
13 Contribution to Cost of Administering Public Health and Vaccination Acts.....			450 0 0	460 0 0
14 Cost of laying on Water Quarantine Station, Verulam; Interest on cost payable to Launceston Corporation			41 8 0	30 0 0
15 Postage, Telegrams, and Telephones.....			75 0 0	75 0 0
16 Fees for Port Health Officers, other than Hobart			50 0 0	50 0 0
17 Printing			50 0 0	50 0 0
			716 8 0	680 0 0
<i>Total Public Health Department</i>			1702 19 0	1693 0 0
TOTAL CHARITABLE AND MEDICAL INSTITUTIONS			<u>£49,441 1 6</u>	<u>£48,693 0 0</u>
 XXVI.—MAGAZINES AND EXPLOSIVES.				
SALARIES.				
1 Chief Inspector; also Chief Inspector Machinery	G	A4	115 0 0	115 0 0
2 Inspector, Southern District	G	A4	85 0 0	85 0 0
3 Inspector, Northern District	G	A4	50 0 0	50 0 0
4 Magazine Keeper, Strahan			250 0 0	250 0 0
CONTINGENCIES.				
5 Travelling Expenses.....			50 0 0	50 0 0
6 Stationery and Stores, Labour, Fuel, and Light, Repairs, and Miscellaneous			85 0 0	85 0 0
7 Postage, Telegrams, and Telephones ..			19 5 0	20 0 0
8 Printing			10 0 0	10 0 0
			164 5 0	165 0 0
<i>Total Magazines and Explosives.....</i>			<u>£414 5 0</u>	<u>£415 0 0</u>
<i>Estimated Revenue for Storage, &c.</i>			..	<u>£560 0 0</u>

*Appropriation, 1905-6.***CHIEF SECRETARY—continued.**

CLASSIFI- CATION.		For 1904-5.	For 1905-6.
Division.	Class.	Fixed Establishment.	Fixed Establishment.
		£ s. d.	£ s. d.
XXVII.—CIVIL SERVICE BOARD.			
SALARIES.			
1 Fees to Members of Board (five)		130 0 0	130 0 0
2 Salary of Secretary, also Chief Clerk, Railway Department, £215		50 0 0	50 0 0
		180 0 0	180 0 0
CONTINGENCIES.			
3 Interest on contributions to Civil Service Fund..		64 0 0	
4 Stationery, Stores, Printing, &c.		20 0 0	20 0 0
5 Postage and Telegrams		5 0 0	5 0 0
		89 0 0	25 0 0
<i>Total Civil Service Board</i>		269 0 0	205 0 0
Reserved by Law	£180		
To be voted.....	25		
	<u>£205</u>		
STORES DEPARTMENT—For Months July and August, 1904.			
SALARIES.			
Inspector of Stores and Secretary Board of Tenders, at £300 per annum	C 1A	50 0 0	} See Treasury.
Chief Clerk, at £190 ditto	C 3	31 13 4	
Storekeeper, at £130 ditto (with Quarters, Fuel, and Light, £30).....	C 4	21 13 4	
Clerk, at £60 per annum	C 4	10 0 0	
Storeman, at £100 ditto	G D	16 13 4	
Messenger, at £10 ditto (also Audit Department, £80).....	G C	1 13 4	
		131 13 4	
CONTINGENCIES.			
Stationery, Stores, Conveyance, and Miscel- laneous Expenses		8 0 0	
Postage, Telegrams and Telephones		9 0 0	
Printing for Department.....		5 0 0	
		22 0 0	
<i>Total Stores Department</i>		<u>£153 13 4</u>	

Appropriation, 1905-6.

CHIEF SECRETARY—*continued.*

	CLASSIFI- CATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
			£ s. d.	£ s. d.
XXVIII.—MISCELLANEOUS.				
1 Tasmanian Museum and Art Gallery.....			*500 0 0	*500 0 0
2 Launceston Museum and Art Gallery			+150 0 0	+150 0 0
3 Botanical Gardens			*800 0 0	*800 0 0
4 Cost of firing Time Gun.....			42 0 0	42 0 0
5 Tasmanian Public Library, Hobart			†300 0 0	†300 0 0
6 Public Library, Launceston			150 0 0	150 0 0
7 Aid to Public Libraries throughout the Colony, on conditions to be prescribed by the Chief Secretary			300 0 0	300 0 0
8 "The Fire Brigades Act," expenses in connection with			1000 0 0	1000 0 0
9 The Royal Humane Society of Australasia—con- tribution			10 0 0	10 0 0
10 Inquests, including Municipal			300 0 0	300 0 0
11 Expenses in connection with destruction of Cormorants			25 0 0	25 0 0
12 In aid of Tourists' Associations, on basis of £1 for every 10s. contributed—£200 for Tas- manian Tourists' Association, Hobart—£200 for Northern Tasmanian Tourists' Association, Launceston—£50 for other Southern, and £50 for other Northern Associations; <i>pro</i> <i>rata</i> for the 12 months ending 30 June, 1906. Grants to Associations Hobart and Launceston to be conditional on 3 members of Committees being nominated by the Government.....			200 0 0	500 0 0
13 Advertising Government Notices			90 0 0	90 0 0
14 Advertising Applications for Public-house Licences			100 0 0	100 0 0
Total Miscellaneous			£3967 0 0	4267 0 0
*Reserved by Law, 49 Vict.				
No. 34		£1300 0 0		
† Ditto, 50 Vict. No. 5 ..		150 0 0		
‡ 2 Edwd. 7 No. 49		300 0 0		
To be voted		2517 0 0		
		£4267 0 0		

*Appropriation, 1905-6.***Treasurer.**

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	<i>Fixed Establishment.</i>	<i>Fixed Establishment.</i>
XXIX.—TREASURY.				
SALARIES.				
1 Under Treasurer (also Permanent Head Commonwealth Sub-Treasury, £100).....	C	1A	£ s. d. 550 0 0	£ s. d. 550 0 0
2 Accountant (also Commonwealth Sub-Treasury, £75); also Secretary Public Debts Sinking Fund, £50	C	1B	375 0 0	375 0 0
3 Receiver and Paymaster (also Commonwealth Sub-Treasury, £50).....	C	2	330 0 0	330 0 0
4 Cashier, Pay Branch	C	2	300 0 0	300 0 0
5 Cashier, Revenue Branch	C	2	270 0 0	270 0 0
6 Clerk	C	3	230 0 0	230 0 0
7 Clerk	C	3	190 0 0	190 0 0
8 Clerk	C	4	150 0 0	150 0 0
9 Clerk	C	4	150 0 0	150 0 0
10 Clerk	C	4	120 0 0	120 0 0
11 Clerk	C	4	90 0 0	100 0 0
12 Clerk	C	4	85 0 0	95 0 0
13 Clerk	C	4	50 0 0	60 0 0
14 Clerk	C	4	50 0 0	60 0 0
15 Messenger	G	C	100 0 0	100 0 0
			3040 0 0	3080 0 0
IMPERIAL PENSIONS BRANCH.				
16 Paymaster	C	1B	300 0 0	300 0 0
			3340 0 0	3380 0 0
CONTINGENCIES.				
17 Stationery, Stores, and Miscellaneous Expenses			100 0 0	100 0 0
18 Printing			100 0 0	100 0 0
19 Postage, Telegrams, and Telephones			242 0 0	242 0 0
			442 0 0	442 0 0
STORES BRANCH. (10 months only in 1904-5)				
Salaries—			3782 0 0	3822 0 0
20 Inspector of Stores and Secretary Board of Tenders, at £300 per annum	C	1B	250 0 0	300 0 0
21 Chief Clerk, at £190 per annum	C	3	158 6 8	190 0 0
22 Storekeeper (with Quarters, Fuel, and Light, say £30), at £130	C	4	108 6 8	130 0 0
23 Clerk, at £60 per annum	C	4	50 0 0	70 0 0
24 Storeman, at £100 per annum	G	D	83 6 8	100 0 0
25 Messenger (also Audit Department, £80), at £10 per annum	G	C	8 6 8	10 0 0
			658 6 8	800 0 0
Contingencies—				
26 Stationery, Stores, Conveyance, and Miscellaneous Expenses			62 0 0	60 0 0
27 Travelling Expenses			30 0 0	30 0 0
28 Postage, Telegrams, and Telephones			23 0 0	32 0 0
29 Printing for Department			25 0 0	30 0 0
			140 0 0	152 0 0
			798 6 8	952 0 0
<i>Total Treasury (including Stores) ..</i>			£4580 6 8	£4774 0 0
<i>Estimated Revenue for Services</i>			..	500 0 0

Appropriation, 1905-6

TREASURER—continued.

	CLASSIFICATION.		For 1904-5. For 1905-6.	
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
XXX.—OFFICE OF TAXES.				
SALARIES.				
1 Commissioner and Collector	C	1A	£ 400 0 0	£ 400 0 0
2 District Deputy Commissioner, Launceston, also Deputy Sheriff, £100, and Registrar Court Requests, &c., £125				200 0 0
3 Chief Clerk	C	2	250 0 0	250 0 0
4 Clerk	C	3	215 0 0	215 0 0
5 Clerk	C	3	215 0 0	215 0 0
6 Clerk	C	3	190 0 0	190 0 0
7 Clerk	C	3	180 0 0	180 0 0
8 Clerk	C	4	180 0 0	180 0 0
9 Clerk	C	3	170 0 0	170 0 0
10 Clerk	C	4	165 0 0	165 0 0
11 Clerk	C	4	160 0 0	160 0 0
12 Clerk			In Mines.	160 0 0
13 Clerk	C	3	140 0 0	140 0 0
14 Clerk	C	3	70 0 0	87 0 0
15 Messenger, also State Savings Bank, £45	G	C	45 0 0	45 0 0
			2380 0 0	2757 0 0
CONTINGENCIES.				
16 Travelling Expenses			45 0 0	45 0 0
17 Stationery and Stores, Cost of Collection of Rates and Taxes, Advertising, &c.			100 0 0	150 0 0
18 Clerical Assistance (including overtime) and Expenses in connection with Preparation of New Assessment Rolls			650 0 0	800 0 0
19 Printing Valuation Rolls, &c.			365 0 0	500 0 0
20 Postage, Telegrams, and Telephones			600 0 0	800 0 0
			1760 0 0	2295 0 0
<i>Total Office of Taxes</i>			£4140 0 0	£5052 0 0
XXXI.—PRINTING DEPARTMENT.				
SALARIES.				
1 Government Printer	P	B1A	450 0 0	450 0 0
2 Overseer	G	B	250 0 0	250 0 0
3 Accountant	C	3	175 0 0	175 0 0
4 Clerk	C	4	70 0 0	80 0 0
5 Foreman	G	B	185 0 0	185 0 0
6 Foreman Machinist	G	B	164 0 0	164 0 0
7 Messenger	G	C	85 0 0	90 0 0
			1379 0 0	1394 0 0
8 Wages to Establishment			5750 0 0	5900 0 0
CONTINGENCIES.				
9 Repairs to Machinery, Presses, &c., and Petty Expenses, Stationery, Stores, Fuel and Light, New Type, Fittings, &c.			2700 0 0	2900 0 0
10 Postage, Telegrams, and Telephones			117 0 0	117 0 0
11 Printing			40 0 0	40 0 0
New Machinery			50 0 0	..
12 Plant for Printing .....			..	125 0 0
			2907 0 0	3182 0 0
<i>Total Printing Department</i>			10,036 0 0	10,476 0 0
<i>Estimated Revenue for Services</i> .....			..	12,000 0 0

Appropriation, 1905-6.

TREASURER—continued.

		CLASSIFICATION.		For 1904-5.		For 1905-6.	
		Division.	Class.	Fixed Establishment.		Fixed Establishment.	
				£	s. d.	£	s. d.
XXXII.—STATE SAVINGS BANK.				..		1100 0 0	
SALARIES.							
1	Manager	C	3	215	0 0	215	0 0
2	Clerk	C	4	175	0 0	175	0 0
3	Clerk	C	4	120	0 0	120	0 0
4	Clerk .....	..	4	115	0 0	120	0 0
5	Clerk .....	..	4	50	0 0	60	0 0
6	Clerk .....	..		40	0 0	55	0 0
7	Secretary to Trustees .	..	C	20	0 0	20	0 0
8	Messenger—also Office of Taxes, £45.....	G		45	0 0	45	0 0
				780	0 0	810	0 0
CONTINGENCIES.							
9	Stationery, Printing, and Sundries.....			180	0 0	165	0 0
10	Commission to Postal Department on Country Business			960	0 0	800	0 0
11	Postage, Telegrams and Telephones.....			156	0 0	160	0 0
12	Expenses opening new Ledgers and calculating Interest .....			..		50	0 0
				1296	0 0	1175	0 0
Total State Savings Bank				£2076	0 0	1985	0 0
Estimated Reimbursement of Expenses of working.				..		900 0 0	

Appropriation, 1905-6

TREASURER—continued.

XXXIII.—Interest.		Rate per cent.	For 1904-5.			For 1905-6.		
On Debentures issued under Act 34 Vict.			£	s.	d.	£	s.	d.
No. 10.....	4 & 5		161	0	0	78	0	0
Ditto 41 Vict. No. 3.....	4		12,000	0	0	12,000	0	0
Ditto 44 Vict. No. 34.....	..		12,000	0	0	12,000	0	0
Ditto 45 Vict. No. 38.....	..		260	0	0	..		
Ditto 46 Vict. No. 45.....	3½ & 4		21,863	0	0	21,863	0	0
Ditto 47 Vict. No. 47.....	4		32,000	0	0	32,000	0	0
Ditto 49 Vict. No. 54.....	..		40,000	0	0	40,000	0	0
Ditto 56 Vict. No. 53.....	4		2704	0	0	2704	0	0
On Inscribed Stock for purposes of Act 52								
Vict. No. 68.....	3½		35,000	0	0	35,000	0	0
Ditto ditto Main Line Railway Purchase Act, 54 Vict. No. 1.....	3½		38,728	0	0	38,728	0	0
Ditto 55 Vict. No. 82.....	3½		21,000	0	0	21,000	0	0
Ditto, 55 Vict. No. 82, & 56 Vict. No. 56	4		40,000	0	0	40,000	0	0
Ditto 58 Vict. No. 40.....	3½		26,250	0	0	26,250	0	0
Ditto 64 Vict. No. 14.....	3		13,500	0	0	13,500	0	0
Ditto 3 Edw. VII. No. 26 and 4 Edw. 7								
No. 29.....	3½					3500	0	0
			295,466	0	0	298,623	0	0
On Local Inscribed Stock, 59 Vict. No. 6 ..	3½		1563	0	0	378	0	0
Ditto, ditto, 60 Vict. No. 15.....	3		1856	0	0	928	0	0
Ditto, ditto, 61 Vict. No. 3.....	3		1646	0	0	822	0	0
Ditto, ditto, 62 Vict. No. 52.....	3		1102	0	0	1035	0	0
Ditto, ditto, 54 Vict. No. 8 and 62 Vict.								
No. 38.....	3		1800	0	0	1800	0	0
Ditto, ditto, 63 Vict. No. 29.....	3		179	0	0	179	0	0
Ditto, ditto, 63 Vict. No. 49.....	3		2484	0	0	2400	0	0
Ditto, ditto, 64 Vict. No. 14.....	3, 3½ & 3½		7779	0	0	7779	0	0
Ditto, ditto, 64 Vict. No. 75.....	3½ & 3½		17,486	0	0	17,416	0	0
Ditto, ditto, 1 Edw. VII. No. 52.....	3½, 3½ & 4		7962	0	0	7890	0	0
Ditto, ditto, 2 Edw. VII. No. 39.....	3½ & 4		1700	0	0	1706	0	0
Ditto, ditto, 3 Edw. VII. No. 26.....			3300	0	0	1904	0	0
Ditto, ditto, 4 Edw. VII. Nos. 29 and 30	3½		..			2107	0	0
Treasury Bills, 1 Edw. VII. No. 51.....	3½		3500	0	0	340	0	0
Ditto, ditto, 2 Edw. VII. No. 38.....	3½ & 4		4760	0	0	4636	0	0
Ditto, ditto, 4 Edw. VII. No. 31.....	3½		..			2439	0	0
			57,117	0	0	53,779	0	0
Total Interest as reserved by Law.....£			352,583	0	0	352,402	0	0
Estimated Revenue to be received for Interest on Public Account, and from Local Bodies, &c ..			..			14,000	0	0
XXXIV.—SINKING FUNDS.								
1 Mount Cameron Water-race, Moiety of Rentals ..			32	0	0	32	0	0
2 Expenses in connection with Public Debts Sinking Fund.....			50	0	0	50	0	0
3 Interest on Sinking Funds under Local Public Works Loans Act, &c.....			600	0	0	700	0	0
4 Contribution to Sinking Fund under Strahan Marine Board Act, 62 Vict. No. 54.....			4000	0	0	4000	0	0
5 Reserves under Crown and Waste Lands Acts to redeem Loans.....			23,000	0	0	19,500	0	0
6 Contribution to be paid to Public Debts Sinking Fund for Redemption of Loans for Public Works—								
Under Act, 1 Ed. 7 No. 49 ..			1180	0	0	1180	0	0
Ditto, 2 Ed. 7 No. 43 ..			612	0	0	630	0	0
Ditto, 3 Ed. 7 No. 27 ..			495	0	0	495	0	0
Ditto, 4 Ed. 7 No. 29 ..			..			342	0	0
7 Contribution to Sinking Fund for redemption of Loan for renewal of Bridges and Jetties and interest thereon ..			..			850	0	0
Reserved by Law	£24,222	0	0			29,969	0	0
To be voted	3547	0	0			£27,779	0	0
			£27,779	0	0			

*Appropriation, 1905-6.***TREASURER—continued.**

	CLASSIFICATION.		For 1904-5.			For 1905-6.		
	Division.	Class.	<i>Fixed Establishment.</i>			<i>Fixed Establishment.</i>		
			£	s.	d.	£	s.	d.
XXXV.—MISCELLANEOUS.								
1 Commission and Charges for payment of Principal and Interest on Inscribed Stock, Debentures, and Treasury Bills in London			2100	0	0	2200	0	0
2 Premiums of Exchange upon Remittances			1200	0	0	600	0	0
3 For payment of Premiums on Guarantee Policies for Officers entrusted with collection of Government moneys			120	0	0	80	0	0
4 "The Merchant Ships Officers Examination Act," expenses, &c.....			60	0	0	60	0	0
5 Gratuity to Mr. Frank Long, the discoverer of Silver on the West Coast, to be applied in such manner as the Treasurer may think fit ..			50	0	0	50	0	0
<i>Total Miscellaneous</i>			£3530	0	0	£2390	0	0

Appropriation, 1905-6.

Attorney-General.

Judicial Departments. XXXVI.—ATTORNEY-GENERAL.	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
SALARIES.				
1 Secretary to Law Department; also Secretary to Board of Examiners under Legal Practitioners Act, £2 2s.	C	1A	£ 200 0 0	£ 200 0 0
Parliamentary Draftsman			270 0 0	See XXXVII.
2 Clerk to Attorney-General and Law Department	C	4	105 0 0	120 0 0
3 Messenger, with Quarters, Fuel, & Light, say £25	G	C	100 0 0	100 0 0
CONTINGENCIES.			675 0 0	420 0 0
4 Travelling Expenses of Law Officers.			50 0 0	50 0 0
5 Stationery and Stores, Incidental Expenses, Clerical Assistance, Defending Pauper Prisoners, Law Books, Binding, Newspapers, Advertising			100 0 0	100 0 0
6 Printing			80 0 0	80 0 0
7 Postage, Telegrams, and Telephones			37 0 0	37 0 0
			267 0 0	267 0 0
<i>Total Attorney-General's Department. . . .</i>			£942 0 0	£687 0 0
XXXVII.—PARLIAMENTARY DRAFTSMAN.				
SALARY.				
1 Parliamentary Draftsman.	P	1A	See XXXVI.	300 0 0
XXXVIII.—SOLICITOR-GENERAL.				
SALARIES.				
1 Solicitor-General and Crown Solicitor	P	B1A	600 0 0	600 0 0
2 Conveyancing Solicitor, Assistant Crown Prosecutor, Clerk of the Peace, and Registrar of Building Societies	P	B2	300 0 0	300 0 0
Acting Conveyancing Solicitor for months July to December, 1904, at £250			125 0 0	..
3 Clerk.	C	3	200 0 0	200 0 0
4 Junior Clerk	C	4	70 0 0	80 0 0
5 Messenger; also Supreme Court, £48	G	C	48 0 0	48 0 0
CONTINGENCIES.			1343 0 0	1228 0 0
6 Stationery and Stores, Clerical and other Assistance			19 0 0	19 0 0
7 Printing			20 0 0	20 0 0
8 Postage, Telegrams, and Telephones			31 0 0	31 0 0
			70 0 0	70 0 0
<i>Total Solicitor-General's Department ..</i>			£1413 0 0	£1298 0 0
<i>Estimated Revenue for Services rendered</i>			..	650 0 0
Reserved by Law £450 0 0				
To be voted. 848 0 0				
			£1298 0 0	

Appropriation, 1905-6.

ATTORNEY-GENERAL—continued.

		CLASSIFICATION.		For 1904-5.			For 1905-6.		
		Division.	Class.	Fixed Establishment.			Fixed Establishment.		
				£	s.	d.	£	s.	d.
XXXIX.—THE JUDGES.									
SALARIES.									
1	Chief Justice	G	C	1500	0	0	1500	0	0
2	Puisne Judge.....			1200	0	0	1200	0	0
3	Puisne Judge			1200	0	0	1200	0	0
4	Judges' Associate			150	0	0	150	0	0
5	Messenger.....			100	0	0	100	0	0
				4150	0	0	4150	0	0
CONTINGENCIES.									
6	Travelling Expenses of Judges and Officers attending the Circuit Courts			300	0	0	300	0	0
7	Stationery, Stores, and Advertising Claims to Grants			19	0	0	19	0	0
8	Postage, Telegrams, and Telephones			21	0	0	21	0	0
9	Printing			20	0	0	20	0	0
				360	0	0	360	0	0
<i>Total Judges</i>				£4510	0	0	£4510	0	0
Reserved by Law (18 Vict. No. 17 & 50 Vict. No. 36)				£3900	0	0			
To be voted				610	0	0			
				£4510	0	0			
XL.—SUPREME COURT, REGISTRY OF DEEDS, PROBATE DUTIES, AND STAMP DUTIES.									
SALARIES.									
1	Registrar of Supreme Court, Registrar of Deeds, Collector of Probate Duties and Commissioner and Collector of Stamp Duties	C	1	550	0	0	550	0	0
2	Chief Clerk.....	C	2	280	0	0	280	0	0
3	Clerk	C	3	185	0	0	185	0	0
4	Clerk.....			50	0	0	60	0	0
5	Clerk, Deeds Office.....	C	4	160	0	0	160	0	0
6	Stamper.....	C	4	110	0	0	115	0	0
7	Clerk	C	Pr.	33	6	8	45	0	0
8	Messenger ; also to Solicitor-General, £48 ...	G	C	48	0	0	48	0	0
				1416	6	8	1443	0	0
CONTINGENCIES.									
9	Stationery and Stores, Allowance for Spoiled Stamps, and Postage on Packets.....			70	0	0	70	0	0
10	Printing			75	0	0	75	0	0
11	Postage, Telegrams, and Telephones.....			66	0	0	80	0	0
12	Railway and Cartage Charges on Parcels.....			20	0	0	20	0	0
13	Commission on Sale of Revenue Stamps at Official Post Offices .....			..			150	0	0
				231	0	0	395	0	0
<i>Total Supreme Court</i>				£1647	6	8	£1838	0	0

Appropriation, 1905-6.

ATTORNEY-GENERAL—continued.

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
			£ s. d.	£ s. d.
XLI.—LANDS' TITLES.				
<i>Hobart.</i>				
SALARIES.				
1 Recorder of Titles, Collector of Stamp Duties, and Registrar of Public Trusts	P	1A	600 0 0	600 0 0
2 Solicitor to Lands' Titles Commissioner	P	3	210 0 0	210 0 0
3 Deputy Recorder of Titles, Chief Clerk, and Draftsman	C	1B	365 0 0	365 0 0
4 Clerk and Draftsman	C	3	220 0 0	220 0 0
5 Clerk and Accountant	C	3	200 0 0	200 0 0
6 Engrossing Clerk	C	3	190 0 0	190 0 0
7 Clerk (indexing)	C	3	160 0 0	160 0 0
8 Clerk and Draftsman	C	4	160 0 0	160 0 0
9 Clerk	C	4	150 0 0	150 0 0
10 Clerk and Junior Draftsman	C	4	110 0 0	115 0 0
11 Clerk	C	4	100 0 0	105 0 0
12 Clerk	C	4	85 0 0	70 0 0
13 Junior Clerk	C	Pr.	31 9 0	45 0 0
14 Messenger	G	C	110 0 0	110 0 0
CONTINGENCIES.				
15 Stationery and Stores, Advertising, and Miscellaneous—including Travelling Expenses			2691 9 0	2700 0 0
16 Fees for Inspection of Surveys			280 0 0	280 0 0
17 Printing			20 0 0	20 0 0
18 Postage, Telegrams, and Telephones			80 0 0	80 0 0
			131 0 0	100 0 0
			511 0 0	480 0 0
<i>Total Lands' Titles Department</i>			£3202 9 0	£3180 0 0
<i>Estimated Revenue for services</i>			..	4500 0 0
XLII.—SHERIFF, COURT OF REQUESTS, &c.				
<i>Hobart.</i>				
SALARIES.				
1 Sheriff, Curator of Intestate Estates, Clerk of Supreme Court, Registrar of Supreme Court in Bankruptcy and Local Courts Act Jurisdiction, Deputy Registrar of Deeds, and Collector of Stamp Duties	C	1A	375 0 0	375 0 0
2 Clerk	C	3	210 0 0	210 0 0
3 Registrar of Court of Requests	G	D	180 0 0	180 0 0
4 Bailiff of Court of Requests and Sheriff's Officer	G	D	165 0 0	165 0 0
5 Court House Keeper	G	C	125 0 0	125 0 0
6 Crier of the Court	G	D	85 0 0	85 0 0
7 Summoning Officer, Supreme Court, also Constable			10 0 0	10 0 0
<i>Carried forward</i>			1150 0 0	1150 0 0

*Appropriation, 1905-6.***ATTORNEY-GENERAL—continued.**

	CLASSIFI- CATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
			£ s. d.	£ s. d.
SHERIFF, COURT OF REQUESTS, &c.— continued.				
<i>Brought forward</i>			1150 0 0	1150 0 0
Launceston.				
8 Deputy Sheriff—also Registrar Court of Re- quests, &c., £125 (£225 in 1904-5), and Deputy-Commissioner of Taxes, £200.....	G	D	200 0 0	100 0 0
9 Bailiff and Clerk, and Bailiff of Court of Requests	G	D	160 0 0	160 0 0
10 Court House Keeper—also Crier of the Courts, with quarters, fuel, and light, say £30			130 0 0	90 0 0
			490 0 0	350 0 0
ALLOWANCES.				
11 Court House Keeper and Messenger, Hobart— House Allowance			25 0 0	25 0 0
CONTINGENCIES.				
12 Stationery, Stores, Incidental and Unforeseen Expenses			57 0 0	57 0 0
13 Travelling Expenses of Sheriff and Officers			30 0 0	30 0 0
14 Printing			45 0 0	45 0 0
15 Postage, Telegrams, and Telephones.....			54 0 0	54 0 0
			186 0 0	186 0 0
<i>Total Sheriff's Department..</i>			£1851 0 0	£1711 0 0
<i>Estimated Revenue for Services</i>			..	400 0 0
XLIII.—ADMINISTRATION OF JUSTICE.				
1 Crown Witnesses' Expenses on Criminal Trials..			750 0 0	500 0 0
2 Prisoners' Witnesses' Expenses on Criminal Trials			25 0 0	25 0 0
3 Jurors' Expenses in Civil and Criminal Cases..			500 0 0	400 0 0
4 Incidental Expenses of Jurors			15 0 0	15 0 0
<i>Total Administration of Justice..</i>			1290 0 0	940 0 0

Appropriation, 1905-6.

ATTORNEY-GENERAL—continued.

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
			£ s. d.	£ s. d.
XLIV.—COURTS OF REQUESTS AND COURT OF BANKRUPTCY, LAUNCESTON.				
SALARIES.				
1 Commissioner of Courts of Requests, and Police Magistrate, Launceston and North-Eastern Division; also Commissioner of Mines £150	P	A1A	400 0 0	400 0 0
2 Registrar of Courts of Requests and Bankruptcy, Registrar of Supreme Court in its Local Courts Act Jurisdiction, Clerk of the Peace, and Collector Stamp Duties; also Deputy Sheriff, Launceston, £100 (£200 in 1904-5), and Deputy Commissioner of Taxes, £200	C	3	225 0 0	125 0 0
3 Clerk (also Superintendent Invalid Depot), with quarters, fuel, and light, say £52.....	C	3	160 0 0	160 0 0
4 Messenger	G	C	90 0 0	..
5 Office Cleaner	G	C	20 0 0	20 0 0
			895 0 0	705 0 0
CONTINGENCIES.				
6 Stationery, Stores, and Law Books			25 0 0	25 0 0
7 Travelling Expenses of Commissioner			75 0 0	75 0 0
8 Postage, Telegrams, and Telephones			31 0 0	31 0 0
9 Printing £15; Miscellaneous, £10			25 0 0	25 0 0
			156 0 0	156 0 0
<i>Total General Sessions, Court of Requests and Court of Bankruptcy, Launceston...</i>			£1051 0 0	£861 0 0
TOTAL JUDICIAL DEPARTMENTS..			£15,906 15 8	£15,325 0 0
Reserved by Law, Judicial Departments			£4350 0 0	
To be voted			£10,975 0 0	
			£15,325 0 0	

Appropriation, 1905-6.

ATTORNEY-GENERAL—continued.

		CLASSIFICATION.	For 1904-5.			For 1905-6.			
		Division.	Class.	Fixed Establishment.			Fixed Establishment.		
				£	s.	d.	£	s.	d.
Magistracy and Courts of Requests.									
XLV.—SOUTHERN DIVISION.									
SALARIES.									
1	Police Magistrate and Commissioner Court of Requests, Hobart, and Southern Division; also Commissioner of Lands' Titles, £12	P	B1A	400	0	0	400	0	0
2	Bench Clerk, and Clerk Petty Sessions; also Returning Officer, say £10	C	3	230	0	0	230	0	0
3	Information Clerk (£100 from 1 September, 1904)	C	4	83	6	8	110	0	0
4	Police Clerk; also Clerk of Petty Sessions, Deputy Clerk of the Peace and Registrar Courts of Requests at Franklin, Huonville, Geeveston, and Dover; also Secretary Board of Advice, £15; and Clerical Assistance, Local Authority, £12	C	4	140	0	0	140	0	0
5	Registrar, Lovett; also Senior Constable, £96; Secretary Board of Advice, £10, and Secretary Local Board of Health	C	5x	25	0	0	25	0	0
6	Clerk Petty Sessions and Registrar, Kingston; also Constable, &c.	C	5x	15	0	0	15	0	0
7	Clerk Petty Sessions and Registrar, Woodbridge; also Special Constable, &c.	C	5x	10	0	0	10	0	0
8	Registrar, Bailiff, and Clerk Petty Sessions, Premaydena	C	5x	27	0	0	27	0	0
9	Messenger			96	0	0	96	0	0
				1026	6	8	1053	0	0
CONTINGENCIES.									
10	Stationery, Stores, Fuel and Light, Cleaning, Sanitary Service, Miscellaneous, and Rent of Court House, Geeveston			75	0	0	50	0	0
11	Travelling Expenses, Police Magistrate and Commissioner, Police Clerk, &c.			50	0	0	100	0	0
	Travelling Expenses, Police Clerk and Registrar Courts of Requests at Franklin, Huonville, Geeveston, and Dover			25	0	0	See Item 11.		
12	Postage, Telegraphs, and Telephones			64	0	0	64	0	0
13	Printing			15	0	0	15	0	0
				229	0	0	229	0	0
Total Southern Division				£1255	6	8	£1282	0	0

Appropriation, 1905-6.

ATTORNEY-GENERAL—continued.

	CLASSIFICATION.		For 1904-5.			For 1905-6.		
	Division.	Class.	Fixed Establishment.			Fixed Establishment.		
			£	s.	d.	£	s.	d.
XLVI.—NORTHERN DIVISION.								
SALARIES.								
1 Police Magistrate; also Commissioner Court of Requests, Launceston, Northern and North-Eastern Districts, £400, and Commissioner of Mines, £150	P	A1A						
2 Bench Clerk	C	3	240	0	0	240	0	0
3 Clerk	C	4	80	0	0	90	0	0
4 Messenger	G	C	130	0	0	130	0	0
			450	0	0	460	0	0
CONTINGENCIES.								
5 Stationery, Stores, Fuel, and Light			20	0	0	20	0	0
6 Postage and Telegrams			9	0	0	9	0	0
7 Printing			5	0	0	5	0	0
			34	0	0	34	0	0
<i>Total Northern Division</i>			£484	0	0	£494	0	0
XLVII.—NORTH-EASTERN DIVISION.								
SALARIES.								
1 Police Clerk, Registrar Court of Requests, and Deputy Clerk of Peace, Scottsdale (also Registrar of Mines, £65, in 1904-5)	C	3	135	0	0	130	0	0
2 Registrar Court of Requests and Bailiff, Derby—also Constable, £96, and Electoral Registrar	C	5x	38	0	0	38	0	0
3 Police Clerk and Registrar Court of Requests, Beaconsfield—also Constable, £96	C	5x	35	0	0	35	0	0
4 Police Clerk, Registrar Court of Requests and Deputy Clerk of Peace, St. Helens—also Registrar of Mines, £45	C	4	75	0	0	75	0	0
5 Registrar Court of General Sessions and Deputy Clerk of Peace, Ringarooma—also Constable, £96	C	5x	24	0	0	24	0	0
6 Registrar Court of Requests, and Police Clerk, George Town; also Constable, £96						15	0	0
			307	0	0	317	0	0
CONTINGENCIES.								
7 Stationery and Stores, Fuel and Light, Cleansing Court Houses and Offices, and Miscellaneous			56	0	0	48	0	0
8 Postage and Telegrams			40	0	0	50	0	0
9 Printing			5	0	0	5	0	0
			101	0	0	103	0	0
<i>Total North-Eastern Division</i>			£408	0	0	£420	0	0

Appropriation, 1905-6.

ATTORNEY-GENERAL—continued.

	CLASSIFICATION.		For 1904-5.			For 1905-6.		
	Division.	Class.	Fixed Establishment			Fixed Establishment.		
			£	s.	d.	£	s.	d.
NORTH-WESTERN DIVISION.								
XLVIII.—DISTRICT OF EAST DEVON.								
SALARIES.								
1 Police Magistrate, and Commissioner of Court of Requests, North-Western Division; also Returning Officer, say £17, and Coroner....	P	A1A	400	0	0	400	0	0
2 Police Clerk, Registrar Courts of Requests, General Sessions, and Supreme Court, Latrobe —also Secretary Board of Advice, £10, and Clerical Assistance Local Authority, say £15	C	3	165	0	0	165	0	0
3 Police Clerk, Registrar Courts of Requests, General Sessions, and Supreme Court, Devonport, also Secretary Board of Advice, £10; Returning Officer, say £15, and Clerical Assistance Local Authority, say £15	C	3	168	0	0	168	0	0
4 Registrar, Sheffield, also Sub-Inspector of Police, £130	C	5x	25	0	0	25	0	0
			758	0	0	758	0	0
ALLOWANCES.								
5 Police Clerk, Devonport, in lieu of Quarters....			25	0	0	25	0	0
CONTINGENCIES.								
6 Travelling Expenses, Police Magistrate and Commissioner			65	0	0	65	0	0
7 Stationery & Stores; Fuel & Light; Cleansing; Water Rate, Latrobe, and Miscellaneous			47	0	0	47	0	0
8 Postage, Telegrams, and Telephone			40	0	0	40	0	0
9 Printing			5	0	0	5	0	0
			157	0	0	157	0	0
<i>Total District of East Devon.....</i>			£940	0	0	£940	0	0
XLIX.—DISTRICT OF EMU BAY, WEST DEVON, AND RUSSELL.								
SALARIES.								
1 Police Clerk and Registrar Court of Requests, Burnie, also Registrar Births, £30; Clerical Assistance, Local Authority, £8, and Sub-Inspector of Police, £70	C	4	70	0	0	70	0	0
2 Registrar Court of Requests, Waratah; also Constable, £96, and Registrar of Mines, £15	C	5x	16	0	0	16	0	0
3 Registrar Court of Requests, Wynyard; also Sergeant of Police, £116	C	5x	22	0	0	22	0	0
4 Police Clerk and Registrar, Court of Requests, Ulverstone; also Sub-Collector of Customs, £80, and Registrar, Births, &c., say, £30....	C	4	108	0	0	108	0	0
5 Registrar, Court of Requests, Penguin; also Constable, £96	C	5x	10	0	0	10	0	0
6 Registrar Court of Requests, Stanley; also Sub-Inspector of Police, £150.....	C	5x	15	0	0	15	0	0
7 Police Clerk, Registrar and Bailiff General Sessions, King Island; also Special Constable, £25	C	5x	25	0	0	25	0	0
<i>Carried forward</i>			268	0	0	268	0	0

Appropriation, 1905-6.

ATTORNEY-GENERAL—continued.

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
DISTRICT OF EMU BAY, WEST DEVON, AND RUSSELL—continued.				
<i>Brought forward</i>			£ 266 0 0	£ 266 0 0
CONTINGENCIES.				
8 Stationery and Stores, Fuel and Light; Rent of Court House, Penguin; Rent of Town Hall, King Island; Cleansing and Miscellaneous...			50 0 0	50 0 0
9 Postage and Telegrams			28 0 0	28 0 0
10 Printing			5 0 0	5 0 0
			83 0 0	83 0 0
<i>Total Districts of Emu Bay, West Devon, and Russell</i>			£349 0 0	£349 0 0
<i>Total North-Western Division</i>			1289 0 0	£1289 0 0
L.—WESTERN DIVISION.				
DISTRICT OF MACQUARIE.				
1 Police Magistrate and Commissioner of Courts of Requests, Zeehan, Queenstown, Gormanston, and Strahan; also Commissioner of Mines, £100; Commonwealth Divisional Returning Officer, £26; Coroner and Collector of Stamp Duties (with Quarters, say £30, in 1904-5)	P	A1A	270 0 0	297 10 0
2 Police Clerk, Deputy Clerk of the Peace, and Registrar Court of Requests, Zeehan; also Registrar of Mines, £100; Registrar of Births, say £35; and Returning Officer	C	2	120 0 0	120 0 0
3 Police Clerk, Deputy Clerk of the Peace, and Registrar of the Court of Requests, Queenstown; also Registrar of Mines, £75; and Registrar of Births, say £30; also Coroner and Returning Officer	C	3	100 0 0	100 0 0
4 Police Clerk, Deputy Clerk of Peace, and Registrar Court of Requests, Strahan; also Police Constable	C	5X	10 0 0	10 0 0
5 Bailiff, Court of Requests, Queenstown, also Sanitary Inspector, Town Board, £40	G	D	130 0 0	130 0 0
			630 0 0	657 10 0
CONTINGENCIES.				
6 Travelling Expenses of Police Magistrate and Commissioner			120 0 0	80 0 0
7 Miscellaneous, Cleaning, Sanitary Service, Stationery and Stores, Fuel and Light			85 0 0	85 0 0
8 Postage, Telegrams, and Telephones			51 0 0	50 0 0
9 Printing			5 0 0	15 0 0
10 Law Books for Commissioner's Office			15 0 0	..
			276 0 0	230 0 0
<i>Total Western Division</i>			£2906 0 0	£887 10 0
LI.—COURTS OF REQUESTS GENERALLY.				
1 Stationery and Stores for the use of Courts of Requests and of General Sessions throughout the State			25 0 0	25 0 0
2 Remuneration to Registrars in lieu of Fees directed by "The Local Courts Act, 1896," to be paid into the Consolidated Revenue Fund			140 0 0	140 0 0
<i>Total Courts of Requests</i>			165 0 0	165 0 0
TOTAL MAGISTRACY AND COURTS OF REQUESTS			£4507 6 8	£4537 10 0

Appropriation, 1905-6.

ATTORNEY-GENERAL—continued.

		CLASSIFICATION.		For 1904-5.	For 1905-6.
		Division.	Class.	Fixed Establishment.	Fixed Establishment.
LII.—POLICE DEPARTMENT.					
SALARIES.					
1 Commissioner of Police (also Inspector of Charities)—with House Allowance, £50				£ s. d. 500 0 0	£ s. d. 500 0 0
2 Accountant (also Secretary Provident Fund, £50)	C	2		210 0 0	210 0 0
3 Chief Clerk, also Supervisor of Totalisators, say, £25	C	3		195 0 0	195 0 0
4 Junior Clerk	C	4		90 0 0	100 0 0
Medical Officer, Hobart				25 0 0	..
5 Secretary Police Provident Fund (also Accountant)				..	50 0 0
				1020 0 0	1055 0 0
Relieving Superintendent—Quarters, £39				200 0 0	In Item 6
6 Superintendents, with Quarters or House Allowances				1920 0 0	1930 0 0
7 Sub-Inspectors, with Quarters or House Allowances				3007 10 0	2900 0 0
8 Sergeants, with Quarters or House Allowances				2088 0 0	1740 0 0
9 Acting Sergeants and Constables, with Quarters or House Allowances				16,541 0 0	15,975 0 0
10 Special Constables				237 0 0	371 0 0
11 Increase pay for long service				1000 0 0	1000 0 0
12 Detectives—Sub-Inspector, £150; Sergeant, £116; 3 Constables, £288 .....				..	554 0 0
				24,993 10 0	24,470 0 0
ALLOWANCES.					
13 Horse and Bicycle Allowances				2040 0 0	1920 0 0
14 House Allowances and Rent of Quarters				1710 0 0	1700 0 0
15 Personal Allowances for special work				280 0 0	240 0 0
Expenses Police Provident Fund				50 0 0	See Item 5
16 Personal Allowances to continue to certain Police Officers the same rate of pay as they received prior to adoption of maximum rate of Salary for each grade				766 0 0	707 0 0
				4846 0 0	4567 0 0
CONTINGENCIES.					
17 Stationery and Stores				100 0 0	100 0 0
18 Uniforms				1100 0 0	1100 0 0
19 Fuel and Light, Head Office and Station				130 0 0	125 0 0
20 Travelling Expenses, Expenses of Inspection, and Conveyance of Police on Railways and Tramways				1400 0 0	1750 0 0
Conveyance of Police on Government Railways				350 0 0	..
21 Construction and Repair of Buildings and Furniture				800 0 0	800 0 0
22 Provisions, Bedding, Utensils, &c. for Prisoners				200 0 0	200 0 0
23 Contribution to Reward Branch of the Police Provident Fund under 62 Vict. No. 48, Section 44, for the year ending 31st December, 1905				*500 0 0	500 0 0
24 Printing				230 0 0	200 0 0
25 Supervision of Totalisators				90 0 0	100 0 0
26 Miscellaneous Expenses, including Medical Attendance and Medicine, extra Constables, Purchase, &c., Boats, Newspapers and Books, Ferry, Mersey, Pay of Female Searcher, Office Cleaner, and Drill Instructors, Sanitary Service				300 0 0	300 0 0
27 Postage, Telegrams, Telephones, and Stamps				400 0 0	460 0 0
				5660 0 0	5635 0 0
<i>Total Police Department</i>				36,519 10 0	35,727 0 0

* For the year ending 31 December, 1904.

Appropriation, 1905-6.

ATTORNEY-GENERAL—continued.

	CLASSIFICATION.		For 1904-5.			For 1905-6.		
	Division.	Class.	Fixed Establishment.			Fixed Establishment.		
			£	s.	d.	£	s.	d.
Gaols.								
LIII.—GAOL, HOBART.								
SALARIES.								
1 Governor of the Gaol (Quarters, Fuel, and Light, £80)	C		300	0	0	300	0	0
2 Deputy Gaoler (Quarters, Fuel, and Light, £40*)	G	A3	150	0	0	150	0	0
3 Clerk and Storekeeper*	C	3	200	0	0	200	0	0
4 Clerk*	C	4	150	0	0	150	0	0
5 Overseer of Shoemakers*	G	A4	121	0	0	121	0	0
6 Overseer of Mechanics*	G	A4	121	0	0	121	0	0
7 Chief Warder (Quarters, Fuel, and Light, £30*)			110	0	0	110	0	0
8 Eight Warders (1st Class) at £110*			880	0	0	880	0	0
9 Four Warders (2nd Class) at £96*			384	0	0	384	0	0
10 Five Warders (3rd Class) at £84	G	C	420	0	0	420	0	0
11 Two Female Warders—One at £50, and one at £40 (Quarters, £15)*			90	0	0	90	0	0
12 Messenger*			84	0	0	84	0	0
			3010	0	0	3010	0	0
CONTINGENCIES.								
13 Clothing, Bedding, Stores, and Stationery, Uniforms, Provisions, Medical Comforts, Fuel and Light, Miscellaneous			1800	0	0	1800	0	0
14 Postage, Telegrams, and Telephones			16	0	0	16	0	0
15 Printing			5	0	0	5	0	0
			1821	0	0	1821	0	0
<i>Total Gaol, &c., Hobart</i>			£4831	0	0	£4831	0	0
* Ration, estimated value £12.								
<i>Estimated Revenue for Services</i> .....			..			300	0	0
LIV.—GAOL, LAUNCESTON.								
SALARIES.								
1 Superintendent—also Superintendent of Police, Launceston, Selby, and George Town, £250, and Inspector C.D. Hospital, £15, with Quarters, &c., £45			10	0	0	10	0	0
2 Senior Warder and Clerk—with Quarters, Fuel, Light, and Ration, £25	G	c	110	0	0	110	0	0
3 Warder—with Quarters, &c., £25	G	c	70	0	0	70	0	0
4 Warder—with Allowance, £15, and Rations, £10	G	c	70	0	0	70	0	0
5 Female Warder—also Matron Launceston Invalid Depot, £40, with Fuel, Light, Water, Ration, and Quarters, £25	G	c	45	0	0	45	0	0
			305	0	0	305	0	0
ALLOWANCES.								
6 Warder—in lieu of Quarters			15	0	0	15	0	0
CONTINGENCIES.								
7 Provisions, Medical Comforts, Stores, Clothing, Bedding, Stationery, Miscellaneous, Medical Attendance and Medicines, Conveyance of Stores, Fuel, Light, and Water			307	0	0	307	0	0
8 Postage, Telegrams, and Telephones			11	0	0	11	0	0
9 Printing			2	0	0	2	0	0
			320	0	0	320	0	0
<i>Total Gaol, Launceston</i>			£640	0	0	640	0	0
LV.—GAOLS—GENERAL SERVICE.								
1 { Escort of Prisoners and transport of discharged Prisoners, Alterations and Repairs, Earnings of Prisoners, Expenses in connection with Finger-print System			550	0	0	500	0	0
TOTAL GAOLS			£6021	0	0	£5971	0	0

*Appropriation, 1905-6.***Minister of Lands and Works.**

	CLASSIFI- CATION.		For 1904-5.			For 1905-6.		
	Division.	Class.	Fixed Establishment.			Fixed Establishment.		
			£	s.	d.	£	s.	d.
Lands, Works, Mines, Agricultural, and Railway Departments.								
LVI.—DEPARTMENT OF LANDS AND SURVEYS.								
SALARIES.								
1 Commissioner of Crown Lands—the Minister ..			550	0	0	550	0	0
2 Surveyor-General and Secretary for Lands	P	B1A	550	0	0	550	0	0
CLERICAL STAFF.								
3 Chief Clerk, also Secretary Board Examiners, £10	C	2	345	0	0	345	0	0
4 Clerk and Accountant	C	3	230	0	0	230	0	0
5 Clerk	C	3	215	0	0	215	0	0
6 Clerk	C	3	215	0	0	215	0	0
7 Clerk	C	3	180	0	0	180	0	0
8 Clerk	C	3	180	0	0	180	0	0
9 Clerk	C	3	170	0	0	170	0	0
10 Clerk	C	3	160	0	0	160	0	0
11 Clerk	C	4	80	0	0	90	0	0
12 Clerk	C	4	65	0	0	75	0	0
Junior Clerk	C	Pr	35	0	0	..		
13 Clerk	C	Pr	30	0	0	40	0	0
14 Clerk in Charge, Launceston ; also Registrar of Mines, £125, and Registrar of Births, £20	C	2	125	0	0	125	0	0
15 Clerk and Draftsman, Launceston ; also Mines, £115	C	3	110	0	0	110	0	0
16 Clerk—also Clerk Mines, £117	C	4	28	0	0	28	0	0
17 Chief Forest Officer ..	G	A3	240	0	0	240	0	0
18 Inspector of Timber, &c. ....			..			200	0	0
19 Crown Lands' Bailiff, West Coast	G	D	100	0	0	100	0	0
PROFESSIONAL STAFF.								
20 Chief Draftsman	C	1B	365	0	0	365	0	0
21 Draftsman in Charge	C	2	265	0	0	265	0	0
22 Draftsman (Computing)	C	2	255	0	0	255	0	0
23 Draftsman	C	3	195	0	0	195	0	0
24 Draftsman	C	3	170	0	0	170	0	0
25 Draftsman	C	3	160	0	0	160	0	0
26 Draftsman	C	4	160	0	0	160	0	0
27 Draftsman	C	4	145	0	0	145	0	0
28 Draftsman	C	4	80	0	0	90	0	0
29 Junior Draftsman	C	4	55	0	0	51	0	0
MINING.								
30 Chief Draftsman	C	3	250	0	0	250	0	0
31 Draftsman	C	3	200	0	0	200	0	0
32 Draftsman	C	4	150	0	0	150	0	0
33 Messenger, also Messenger Statistician, £50 ..			50	0	0	50	0	0
<i>Carried forward</i>			5558	0	0	5759	0	0

*Appropriation, 1905-6.*MINISTER OF LANDS AND WORKS—*continued.*

		CLASSIFICATION.		For 1904-5.		For 1905-6.	
Division.	Class.	Fixed Establishment.			Fixed Establishment.		
		£	s.	d.	£	s.	d.
DEPARTMENT OF LANDS AND SURVEYS—continued.							
Brought forward		5558	0	0	5759	0	0
CONTINGENCIES.							
34	Travelling Expenses Surveyor-General, Forest Officer, and Inspector of Timber	100	0	0	150	0	0
35	Incidental Expenses, Crown Bailiffs, &c., Commission for selling Public Lands; Collecting Residence, &c., Licences; Miscellaneous Expenses; Stationery, Stores, and Advertising	450	0	0	250	0	0
36	Printing	850	0	0	750	0	0
37	Expenses in connection with Examination of Surveyors	25	0	0	25	0	0
38	Postage, Telegrams, and Telephones	330	0	0	275	0	0
		1755	0	0	1450	0	0
Total Department of Lands and Surveys ..		7313	0	0	£7209	0	0
Estimated Revenue earned for Services.....		..			4650	0	0

*Appropriation, 1905-6.*MINISTER OF LANDS AND WORKS—*continued.*

			CLASSIFICATION.	For 1904-5.	For 1905-6.	
			Division.	Class.	Fixed Establishment.	Fixed Establishment.
					£ s. d.	£ s. d.
LVIII.—DEPARTMENT OF MINES.						
HOBART.						
1 Minister of Mines						
2 Secretary for Mines	C	1A	400	0 0	400	0 0
3 Chief Clerk	C	2	250	0 0	250	0 0
4 Registrar of Mines; also Chairman of Board of Examiners, Merchant Ships' Officers Examination Act, £50	C	2	210	0 0	210	0 0
5 Clerk, Cashier, and Accountant.....	C	3	210	0 0	210	0 0
6 Engrossing Clerk.....	C	3	190	0 0	190	0 0
7 Clerk	C	4	150	0 0	150	0 0
8 Clerk	C	4	160	0 0	..	..
9 Junior Clerk	C	4	120	0 0	120	0 0
			70	0 0	80	0 0
			1760	0 0	1610	0 0
LAUNCESTON.						
10 Commissioner of Mines, Launceston, North and North-Eastern Division; also Commissioner Courts of Requests, Launceston, &c., £400, and Police Magistrate, &c., North-Eastern Division	P	AlA	150	0 0	150	0 0
11 Registrar of Mines; also Clerk in charge Lands, £125; and Registrar of Births, £20	C	2	125	0 0	125	0 0
12 Clerk and Draftsman; also Lands, £110	C	3	115	0 0	115	0 0
13 Clerk; also Clerk Lands Office, £28	C	4	117	0 0	117	0 0
			507	0 0	507	0 0
NORTH-EASTERN MINING DIVISION.						
Registrar and Clerk to Commissioner—also Registrar Court of Requests and Police Clerk, £135.....	C	3	65	0 0	..	..
14 Registrar, Moorina—also Registrar Court of Requests, £25	C	4	75	0 0	50	0 0
15 Registrar, Gladstone—also Postmistress, &c., £70	C	5x	15	0 0	15	0 0
			155	0 0	65	0 0
EASTERN MINING DIVISION.						
16 Registrar and Clerk—also Police Clerk and Registrar Court of Requests, £75	C	4	45	0 0	45	0 0
NORTH-WESTERN MINING DIVISION.						
17 Registrar of Mines, Waratah—also Constable, £96, and Registrar Court of Requests, Waratah, £16	C	5x	15	0 0	15	0 0
WESTERN MINING DIVISION.						
18 Commissioner of Mines—also Police Magis- trate, £297 10s.			100	0 0	100	0 0
19 Registrar, Zeehan—also Police Clerk, Zeehan, £120	C	2	100	0 0	100	0 0
20 Registrar, Queenstown—also Registrar Court of Requests, £100	C	3	75	0 0	75	0 0
			275	0 0	275	0 0
Carried forward			2757	0 0	2517	0 0

Appropriation, 1905-6.

MINISTER OF LANDS AND WORKS—continued.

CLASSIFI- CATION.		For 1904-5.			For 1905-6.				
Division.	Class.	Fixed Establishment.			Fixed Establishment.				
		£	s.	d.	£	s.	d.		
 DEPARTMENT OF MINES—continued.									
<i>Brought forward</i>		2757	0	0	2517	0	0		
<i>Government Geologist and Inspectors of Mines.</i>									
21	Government Geologist & Chief Inspector of Mines	P	B1B	500	0	0	500	0	0
22	Clerk and Draftsman	C	3	175	0	0	175	0	0
23	Inspector of Mines, Zeehan—also of Works, Western Division, £75	G	A1	250	0	0	250	0	0
24	Inspector of Mines, Queenstown.....	G	A2	250	0	0	250	0	0
25	Inspector of Mines, Launceston; also of Works, N.E. Division	G	A1B	350	0	0	350	0	0
<i>Total Salaries</i>				1525	0	0	1525	0	0
				4282	0	0	4042	0	0
 ALLOWANCES.									
26	Forage Allowance—Inspector, Zeehan			50	0	0	50	0	0
 CONTINGENCIES, MINES.									
27	Secretary for Mines, Travelling Expenses			25	0	0	25	0	0
28	Commissioner of Mines, Launceston, and North and North-Eastern Divisions, &c., Travelling Expenses			50	0	0	25	0	0
29	Commissioner, Western Mining Division, Tra- velling Expenses			25	0	0	10	0	0
30	Geologists and Inspectors of Mines, Travelling Expenses			200	0	0	250	0	0
31	Miscellaneous Expenses, including Stationery, Stores, Lithographic Paper, &c.			275	0	0	150	0	0
32	Gratuity to Mrs. E. K. Shanahan, for acting as Registrar of Mines, Derby.....			5	0	0	5	0	0
33	Printing			500	0	0	500	0	0
34	Travelling Expenses of Members of Mining Boards			25	0	0	15	0	0
35	Postage, Telegraphs, and Telephones			257	0	0	257	0	0
<i>Total Department of Mines</i>				1362	0	0	1237	0	0
				£5694	0	0	£5329	0	0

Appropriation, 1905-6.

MINISTER OF LANDS AND WORKS—continued.

		CLASSIFICATION.	For 1904-5.			For 1905-6.			
		Division.	Class.	Fixed Establishment.			Fixed Establishment.		
				£	s.	d.	£	s.	d.
LIX.—AGRICULTURAL AND STOCK DEPARTMENT.									
SALARIES.									
1	Chief Inspector of Stock (also Chief Inspector Codlin Moth Act, £100)	C	1A	300	0	0	300	0	0
2	Clerk, also Inspector Vegetation Diseases Act, with Fees 1s. per 100 cases fumigated	C	4	120	0	0	120	0	0
3	Entomologist	G	A3	225	0	0	225	0	0
4	Inspector, Launceston	G	A3	125	0	0	125	0	0
5	Ditto	G	A5x	20	0	0	20	0	0
6	Inspector, Hobart	G	A5x	35	0	0	35	0	0
7	Ditto	G	A5x	20	0	0	20	0	0
8	Inspector, Devonport	G	A5x	20	0	0	20	0	0
9	Caretaker, Middle Island (with quarters and fuel, say £10), also Fees for caretaking imported stock			80	0	0	80	0	0
10	Caretaker, Nubeena, also Poultry Expert (with quarters, fuel, and light, say £40)			165	0	0	200	0	0
11	Assistant to Caretaker, Nubeena, and Poultry Expert, with quarters and run for cow			52	0	0	80	0	0
				1162	0	0	1225	0	0
ALLOWANCES.									
12	Poultry Expert—House Allowance . . . . .			..			25	0	0
	Poultry Expert, for Horse and Trap			25	0	0	..		
13	Inspector, Launceston, for Horse and Trap . . . . .			..			26	0	0
				25	0	0	51	0	0
CONTINGENCIES.									
14	Californian Thistle Destruction of; Rabbits on Crown Land, Destruction of; Officers' Travelling Expenses; Railway Fares; Stationery, Advertising, and Miscellaneous; Entomological and other Inspection of imported and exported Fruit, Trees, &c.; Fees and Expenses Veterinary Surgeon; cost of Export of Poultry			593	0	0	600	0	0
15	Postage, Telegrams, and Telephones			70	2	6	70	0	0
16	Printing			45	0	0	60	0	0
				703	2	6	730	0	0
<i>Total Agricultural and Stock Department..</i>				1895	2	6	2006	0	0
<i>Estimated Revenue for Services.</i>				..			210	0	0
LX.—COUNCIL OF AGRICULTURE.									
SALARIES.									
1	Secretary, and Editor <i>Agricultural Gazette</i> ; also Inspector under "Vegetation Diseases" and "Manure Adulteration" Acts	C	3	175	0	0	175	0	0
2	Dairy Expert	G	2	260	0	0	260	0	0
3	Agricultural Expert	G	3	210	0	0	210	0	0
				645	0	0	645	0	0
CONTINGENCIES.									
4	Members and Officers' Travelling Expenses; Railway Fares; Printing, including <i>Agricultural Gazette</i> ; Stationery, Advertising, and Miscellaneous			800	0	0	800	0	0
5	Postage, Telegrams, & Telephones			39	0	0	39	0	0
6	Classes for Agricultural Instruction . . . . .			..			161	0	0
				839	0	0	1000	0	0
<i>Total Council of Agriculture</i>				1434	0	0	1645	0	0

*Appropriation, 1905-6.***MINISTER OF LANDS AND WORKS—continued.**

		CLASSIFICATION.		For 1904-5.			For 1905-6.		
		Division.	Class.	Fixed Establishment.			Fixed Establishment.		
				£	s.	d.	£	s.	d.
LXI.— DEPARTMENT OF RAILWAYS.									
SALARIES.									
1	General Manager	P	1	800	0	0	800	0	0
2	Secretary—House, fuel, light, and water, £50..	C	1	365	0	0	365	0	0
3	Accountant and Traffic Auditor	P	1	490	0	0	490	0	0
4	Engineer of Existing Lines	P	1	520	0	0	520	0	0
5	Resident Engineer	P	1	400	0	0	400	0	0
6	Chief Mechanical Engineer, with house, fuel, light, and water, £75	P	1	515	0	0	515	0	0
7	Consulting Medical Officer	P	1	52	10	0	53	0	0
8	Storekeepers, Cashiers, and Draughtsmen, Station Masters, Goods Agents, Clerks, Telegraph Operators, in all branches								
				22,896	0	0	22,644	0	0
				26,038	10	0	25,787	0	0
ALLOWANCES.									
9	Goods Agent, Hobart, in lieu of quarters.....			52	0	0	52	0	0
WAGES.									
10	Wages, also Guards' and Drivers' Night Expenses, Clerical Assistance, &c.			101,000	0	0	104,000	0	0
CONTINGENCIES.									
11	Stores—Coal, Oil, Timber, Sleepers, Rails, Machinery, &c			45,000	0	0	43,500	0	0
	Delivery of Mails.... ..			..			..
12	Miscellaneous—Uniforms, Advertising, Printing, Travelling, Incidental Expenses, Lodging Allowances, Contribution to Railway Bureau, Stamps, Telegrams, Telephones, &c., Post and Telegraph Department—For services of Railway Telegraph Superintendent			4200	0	0	4200	0	0
				£ 49,200	0	0	47,700	0	0
				£ 176,290	10	0	177,539	0	0
TOTAL RAILWAYS									
Estimated Revenue for Services.....				..	£	250,000	0	0	0

MINISTER OF LANDS AND WORKS—continued.

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Appropriation, 1905-6.

Miscellaneous—General.

	CLASSIFICATION.		For 1904-5.	For 1905-6.
	Division.	Class.	Fixed Establishment.	Fixed Establishment.
LXIV.—Miscellaneous—General.				
1 Cost of Printing <i>Hobart Gazette</i>			£ s. d. 1450 0 0	• £ s. d. 1300 0 0
2 Cost of Printing, Binding, and Distributing Acts of Parliament, &c., for sale to Departments, the public, and free issues	100 0 0
3 Railway Fares, Passes, Official Train Services, not otherwise provided for—For Distinguished Visitors, Visiting Officers of Military and Naval Forces, Members of Parliament of other States, State and Commonwealth Officials, Representatives of the Press, &c.			1250 0 0	1200 0 0
4 Post and Telegraph Fees not otherwise provided for			300 0 0	100 0 0
5 Cost of Printing, not otherwise provided for....			250 0 0	100 0 0
6 To provide for Payment of three-fourths Customs Duties on goods imported for Public Works chargeable to Loans			1500 0 0	800 0 0
7 Analysis of Articles for State and Commonwealth Departments			400 0 0	400 0 0
8 Unforeseen Expenses to be hereafter accounted for			800 0 0	800 0 0
9 To provide for Payment of Salaries to retiring Civil Servants whilst on leave of absence, in accordance with Resolutions of Parliament.			220 0 0	} 1000 0 0
10 To provide for Payment of Gratuities to Widows of deceased Civil Servants of the State, in accordance with Resolutions of Parliament	
To recoup Mr. Solomon Child the amount of fees and expenses paid by him in his endeavours (during a long period) to obtain release from bail			100 0 0	..
<i>Total Miscellaneous</i>			£6270 0 0	5800 0 0

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 18.

AN ACT to amend "*The Ross Water Act*, A.D. 1905.
1895." [1 *November*, 1905.] —

WHEREAS the Trustees of the *Ross Water District* are empowered, **PREAMBLE.**
by virtue of the provisions of "*The Ross Water Act*, 1895," to borrow
the sum of One thousand Pounds for the purpose of carrying out the
objects of that Act under "*The Local Public Works Loans Act*, 1890":

And whereas it is found that the said sum is insufficient, and that it
is necessary to borrow a sum not exceeding One thousand five hundred
Pounds in the whole :

And whereas the said sum of One thousand Pounds which the said
Trustees are authorised to borrow has not yet been borrowed :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "*The Ross Water Act Amendment* **Short title.**
Act, 1905"; and this Act and "*The Ross Water Act*, 1895 " (in this **59 Vict. No. 54.**
Act referred to as the Principal Act), shall be read together.

4d.]

Ross Water Act Amendment.

A.D. 1905.

Amendment of
Section 44 of the
Principal Act.

2 Section Forty-four of the Principal Act is hereby amended by omitting the words "One Shilling" in line Two, and inserting instead the words "Two Shillings in the Pound;" and by adding at the end of the Section the following proviso, namely:—"Provided that the Water Rate payable in respect of any house or dwelling within the Water District shall in no case be less than Fifteen Shillings."

Repeal and re-
enactment of
Section 52 of the
Principal Act.

Power to borrow
money.

Governor in
Council may
grant Loan under
54 Vict. No. 30.

3 Section Fifty-two of the Principal Act is hereby repealed, and the following Section is substituted in lieu thereof, and may be cited as Section Fifty-two of the Principal Act:—

"**52** It shall be lawful for the Trustees to borrow as herein provided any sum or sums of money not exceeding in the whole One thousand five hundred Pounds for the purpose of defraying the cost and expense of making, constructing, establishing, repairing, carrying on, and managing any waterworks under the authority of this Act, or the payment of any such compensation as aforesaid, or any other expense incident to the effectuating the objects or the preparation and passing of this Act, and it shall be lawful for the Governor to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money, not exceeding in the whole the sum of One thousand five hundred Pounds, as a Loan or Loans to the said Trustees for the purpose aforesaid, and such sum or sums of money shall be defrayed out of moneys to be provided by Parliament for that purpose.

"Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any such proposed works, nor the Report of the Engineer-in-Chief thereon, as provided in Section Two of the last-mentioned Act; but before any part of the said sum of One thousand five hundred Pounds shall be advanced to the Trustees, plans and specifications of the proposed works, together with a report by the Engineer-in-Chief upon the necessity of such works and probable cost thereof, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in the said report, and that the works can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor.

Repeal and re-
enactment of Part
VI. of the
Principal Act.

Poll to be taken
before moneys
borrowed.

4 Part VI. of the Principal Act is hereby repealed, and the following provisions are substituted in lieu thereof, and may be cited as Part VI. of the Principal Act:—

"PART VI.

"**54** The Trustees shall not proceed in the matter of borrowing any sum of money under the authority of Part V. of this Act until and after a Poll has been taken of the owners and occupiers of property within the Water District for the purpose of ascertaining whether the Trustees shall be permitted to proceed in the matter of borrowing such moneys. If at the taking of such Poll a less number than Two-thirds of the votes then recorded shall be in favour of the Trustees proceeding to borrow any sum of money under Part V. of this Act, the Trustees

Ross Water Act Amendment.

shall not proceed to borrow any such money : Provided that in the event of there not being the necessary number of votes recorded at such Poll in favour of the Trustees borrowing such money, the Trustees may, at any time after the expiration of Six months, cause another Poll of such owners and occupiers to be taken, and if at any such subsequent Poll the necessary number of votes is obtained, the Trustees may proceed to borrow such money. A.D. 1905.

“ 55 When the Trustees shall decide to take a Poll of the owners and occupiers as aforesaid, they shall cause an advertisement of such Poll to be inserted not less than Twice in a daily newspaper circulating in the District, and in One number of the *Hobart Gazette*, and such advertisement shall contain the following particulars :—

- “ 1. The time and place of such Poll.
- “ 2. The works proposed to be constructed or performed by the Trustees.
- “ 3. The estimated cost of such works.”

“ 56 Subject to the foregoing provision, upon the taking of any Poll as aforesaid, all proceedings shall be had and taken as nearly as may be as upon an election of Councillors of a Rural Municipality, as the case may require, and every person who desires to vote shall be entitled to as many votes as the number of votes to which such person appears by the Assessment Roll (so far as it relates to the Water District) to be entitled on the same scale of voting as applies to Rural Municipalities, and the Ballot-papers to be used in the taking of every such Poll shall be in the form set forth in the following Schedule :—

“ SCHEDULE.

“ BALLOT-PAPER.

“ FOR.

“ AGAINST.

“ If you are in favour of the proposed Loan you will strike out the word “ Against,” and if you are opposed to the proposed Loan you will strike out the word “ For.”

T A S M A N I A.



1905

ANNO QUINTO

EDWARDI VII. REGIS,

No. 19.



AN ACT to enable the Trustees for the time being of the *Devon* Hospital to effect a Compromise with the Trustees of the Will of the late *Henry John Wilson*, and to indemnify them for so doing. A.D. 1905.

[1 November, 1905.]

WHEREAS *Henry John Wilson*, late of *Woodcote, Northdown*, in *Tasmania* (hereinafter referred to as "the Testator"), duly made and executed his last Will and Testament bearing date the Nineteenth day of *November*, One thousand nine hundred and three, and appointed The *Tasmanian* Permanent Executors and Trustees Association, Limited, to be Executors and Trustees thereof, and by his said Will, after certain specific bequests (which are not material to be herein set forth), devised and bequeathed all his real and personal estate whatsoever and wheresoever unto his said Trustees upon trust, that his said Trustees should sell, call in, and convert into money such part as should not consist of money, and out of the moneys produced by such sale, calling in, and conversion, and with and out of his ready money, should pay his funeral and testamentary expenses and debts and the

4d.]

PREAMBLE.

Devon Hospital Compromise Enabling.

A.D. 1905.

legacies bequeathed by his said Will, and should pay the residue of the said moneys to the Trustees for the time being of the *Devon Hospital*, to be used by them to found, provide, maintain, and support a bed in that institution, to be called and known as the "*H. J. Wilson Cot*," and declared that the receipts of the Honorary Manager and of the Treasurer for the time being of the said institution should be a sufficient discharge to his Trustees for the said residue :

And whereas the Testator duly made and executed a Codicil to his said Will dated the Fifteenth day of *March*, One thousand nine hundred and four, whereby he revoked the devise of his real estate of *Larooma*, situate near *Port Sorell*, and devised the same to his Son *Lisle Reynardson Wilson* absolutely :

And whereas the Testator died on the Fourth day of *October*, One thousand nine hundred and four, at *Northdown*, in *Tasmania*, without having altered or revoked his said Will save as appears by his said Codicil :

And whereas the Testator left him surviving his Widow, *Louisa Sophia Wilson*, and four children :

And whereas the Testator did not make any provision for his said Widow, the said *Louisa Sophia Wilson*, but left her without sufficient means of support :

And whereas the Trustees for the time being of the *Devon Hospital* are *Patrick Churcher Maxwell*, Police Magistrate, *William Levitt Wells*, Storekeeper, and *Frederick Cecil Greene*, Esquire, all of *Latrobe*, in *Tasmania* :

And whereas at a meeting of the subscribers to the said Hospital, held at *Latrobe* aforesaid, on the Third day of *November*, One thousand nine hundred and four, a resolution was passed directing the Trustees to decline to accept the bequest provided a Bill was carried this Parliament indemnifying the Trustees against all risks in declining the bequest :

And whereas the said Trustees for the time being of the said Hospital have declined to obey the said resolution, but have agreed to renounce the said legacy and to forego the benefit of the same upon the said Trustee Association paying to them the sum of Three hundred Pounds towards the foundation and support of the said bed and upon the indemnity hereinafter continued :

And whereas it is expedient that the said *Patrick Churcher Maxwell*, *William Levitt Wells*, and *Frederick Cecil Greene*, as such Trustees as aforesaid, should be indemnified for their action in accepting the said sum of Three hundred Pounds in lieu of the said legacy :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Power to Trustees
to compromise.

1 It shall be lawful for the said *Patrick Churcher Maxwell*, *William Levitt Wells*, and *Frederick Cecil Greene*, or the survivor of them, or the executors or administrators of such survivor or other the Trustees or Trustee for the time being of the *Devon Hospital*, at their or his discretion, to accept the sum of Three hundred Pounds in lieu of and

Devon Hospital Compromise Enabling.

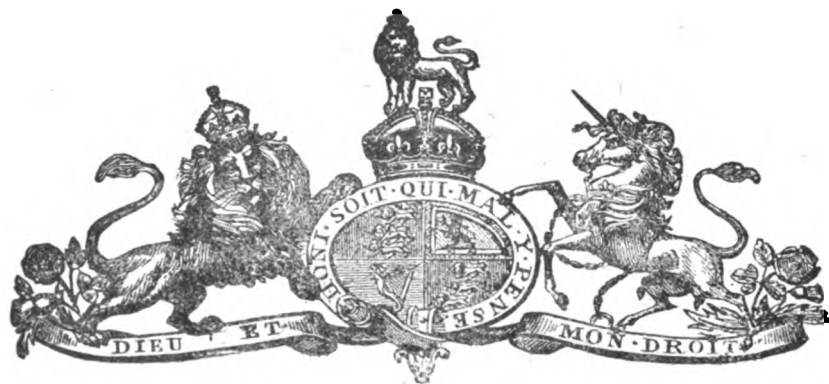
in satisfaction for a certain legacy comprising the residue of the estate of the late *Henry John Wilson*, and to give a full and complete discharge to the *Tasmanian Permanent Executors and Trustees Association, Limited*, for the said legacy. A.D. 1905.

2 The said *Patrick Churcher Maxwell*, *William Levitt Wells*, and *Frederick Cecil Greene* shall be and they each of them are hereby indemnified from all actions, suits, claims, and demands whatsoever by and on behalf of any of the subscribers to the said the *Devon Hospital*, or any other person or persons having any claim against them for anything done or purported to be or omitted to be done in carrying out the said compromise in receiving the said sum of Three hundred Pounds in satisfaction for the said legacy of the residue of the estate of the said *Henry John Wilson* deceased. Indemnification of Trustees.

3 On the payment of the said sum of Three hundred Pounds by the said The *Tasmanian Permanent Executors and Trustees Association, Limited*, the receipt in writing of the said *Patrick Churcher Maxwell*, *William Levitt Wells*, and *Frederick Cecil Greene*, or the Trustee or Trustees for the time being of the said the *Devon Hospital*, shall be a good and sufficient discharge to The *Tasmanian Permanent Executors and Trustees Association, Limited*, who shall not be bound or required to see to the misapplication or non-application thereof. Trustees receipts to be good discharges.

4 This Act may be cited as "The *Devon Hospital Compromise Enabling Act*." Short title.

T A S M A N I A .



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 20.

AN ACT to authorise the Marine Board of A.D. 1905.
Hobart to erect a Lighthouse in *D'Entrecasteaux Channel*, and for other purposes.

[1 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Butts Rock Lighthouse Act, Short title.
1905.”

2 In this Act, the word “Lighthouse” includes, in addition to the ordinary meaning of the word, any light exhibited for the guidance of ships. Interpretation.

3 It shall be lawful for the Marine Board of *Hobart* to construct, erect, and place a Lighthouse, in such manner as the said Board deems fit, upon the *Butts Rock* in *D'Entrecasteaux Channel*, at the mouth of the River *Huon*, and also to subsequently add to or alter any such Lighthouse. Marine Board of Hobart may construct Lighthouse.

4d.]

Butts Rock Lighthouse.

A.D. 1905.

Appropriation of
money.
53 Vict. No. 34.

Lighthouse to be
under control of
Marine Board of
Hobart.

4 The cost of such Lighthouse, and of any subsequent addition thereto or alteration thereof, shall be defrayed out of the money to the credit of the fund formed under the provisions of "The Marine Boards Act, 1889," for the maintenance and repairs of Lighthouses.

5 The said Lighthouse shall be under the management and control of the Marine Board of *Hobart*, who shall maintain and repair the same, and the said Lighthouse shall be subject to all the provisions of "The Marine Boards Act, 1889," in the same manner in all respects as other Lighthouses now erected in *Tasmania*.

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 21.



AN ACT for the Protection of Homing Pigeons, and for other purposes. A.D. 1905.
[1 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Homing Pigeons Act, 1905.” Short title.

2 “Homing pigeon” shall mean and include all pigeons used as bearers of messages or as racing pigeons, and which have affixed or attached to either or each leg a rubber or metal ring. Interpretation. of term.

3—(1.) Except as provided in Section Four hereof, it shall not be lawful for any person but the owner thereof, to shoot, kill, wound, or in anywise injure or destroy, ensnare, catch, or take any homing pigeon; and if any person acts in contravention of this Section he shall, on summary conviction before a Justice of the Peace, forfeit and pay a penalty not exceeding Ten Pounds. Destruction, &c., of homing pigeons unlawful. Penalty.

4d.]

Homing Pigeons.

A.D. 1905.

Damages in addition to penalty.

(2.) In addition to the penalty imposed under Sub-section (1.) of this Section, such offender shall, on conviction, pay to the owner of such homing pigeon the full value of the same, to be assessed and determined by the convicting Justice.

Exemptions.

4 The provisions of this Act shall not extend to the owner or occupier of any improved or cultivated land killing or destroying any homing pigeon whilst actually upon such land and doing damage thereon.

Penalty for unlawful entry with intent.

5 If any person enters upon any enclosed land or premises for the purpose of killing, wounding, disabling, ensnaring, catching, taking, or in anywise injuring or destroying any homing pigeon of which he is not the owner, he shall, on summary conviction before a Justice of the Peace, be liable to a penalty not exceeding Five Pounds.

Civil remedies preserved.

6 This Act shall not bar the right of any person to an action for damages in respect of any homing pigeon destroyed or injured.

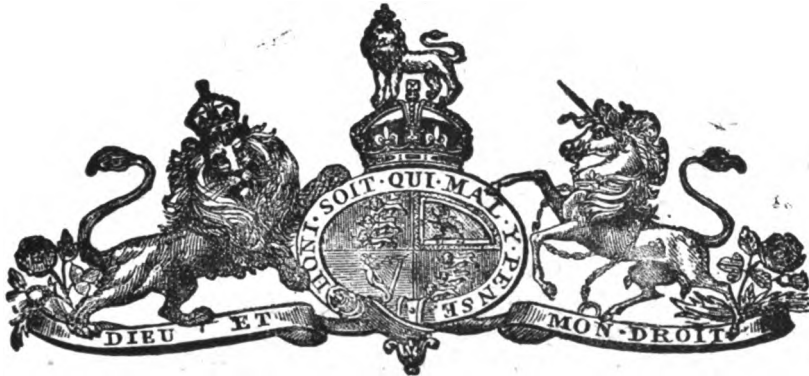
Procedure.

7—(1.) All informations for offences against this Act, and all fines, penalties, and sums of money imposed or made payable by this Act, shall be heard, determined, and recovered in a summary way by and before a Justice of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

Appeal.

(2.) Any person who thinks himself aggrieved by any penalty imposed or conviction under the authority of this Act may appeal against the same in the manner prescribed by *The Appeals Regulation Act*.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 22.

AN ACT to provide for the Maintenance of A.D. 1905.
certain Main Roads. [1 November, 1905.] —

WHEREAS Parliament has specially appropriated out of the Consolidated Revenue Fund for the year ending the Thirtieth day of *June*, One thousand nine hundred and six, the amount of Seven thousand eight hundred Pounds as subsidies for Main Roads : PREAMBLE.

And whereas it is desirable to declare the amount of the sum per mile which is to be expended upon certain Main Roads set forth in the Schedule to the following enactment, and also the amount which is to be contributed towards certain Main Roads by the Trustees of the several Road Districts as set forth in that Schedule, and also to declare what portion of such sum of Seven thousand eight hundred Pounds is to be expended upon Bridges, Culverts, and Contingencies :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Main Roads Maintenance Act, Short title.
1905–6.”
6d.]

Main Roads Maintenance.

A.D. 1905.

Interpretation.

Declaration of
Main Roads.

48 Vict. No. 28.

2 In this Act, the expression "the Minister" means the Minister of Lands and Works of *Tasmania* for the time being.

3—(1.) The Roads set forth in the Schedule shall be and they are hereby declared to be Main Roads of *Tasmania* for the purposes of "The Roads Act, 1884," and shall be maintained in each District respectively, in accordance with the provisions of Part II. of the said Act, at an average cost per mile for the year ending the Thirtieth day of *June*, One thousand nine hundred and six, not exceeding that specified in the Schedule: Provided that the sums set forth in the said Schedule, other than the average cost per mile of such Roads, shall be appropriated to and for the purposes therein specified.

(2.) The cost of maintenance of the said Main Roads shall be contributed partly out of the Consolidated Revenue Fund in the proportion and in the amounts set forth in the Schedule.

(3.) The Trustees of the Road Districts named in the Schedule shall, in those cases where the rate levied is less than One Shilling, contribute towards the maintenance of the Main Roads set opposite to their respective names, the respective sums set opposite to their names in the last column of the Schedule.

(4.) Any contribution payable by the Trustees of a Road District in respect of a Main Road may be paid by Two equal instalments, and if so paid, the contribution payable out of the Consolidated Revenue Fund in respect of that Main Road shall in like manner be paid by Two equal instalments.

Previous contributions to be deemed made under this Act.

4 Any contribution or payment made (whether out of the Consolidated Revenue Fund or by the Trustees of any Road District named in the Schedule hereto), before the commencement of this Act, on account of the year ending the Thirtieth day of *June*, One thousand nine hundred and six, towards the maintenance of any road mentioned in the said Schedule, shall be deemed to have been made as a contribution or payment on account of the amount payable in respect of such road under Section Three of this Act.

When contributions to be paid.

5 All contributions towards the maintenance of Main Roads directed to be made by the Trustees of the Road Districts named as aforesaid, shall be paid to the Minister before the Thirty-first day of *January*, One thousand nine hundred and six.

Minister may issue precept.

6 It shall be lawful for the Minister for the purpose of obtaining payments of such contributions to issue his precept to the Trustees of the Road Districts named as aforesaid, requiring the Trustees to pay, within a time limited by the precept, the amount set opposite to their names in the last column of the Schedule hereto.

Trustees to comply with precept.

7 The Trustees of the Road Districts named as aforesaid shall comply with the requisitions of such precept, by paying the contribution required out of any moneys at the disposal of the Trustees.

Main Roads Maintenance.

8 If the amount required by any precept of the Minister, or any part thereof, to be paid by the Trustees of any Road District is not paid in the manner directed by the precept, and within the time therein specified for that purpose, the Minister may, by writing under his hand, appoint, at such salary as he thinks fit, a Receiver of the rates of such Road District, and may from time to time remove such Receiver.

A.D. 1905.

Remedy for non-payment of amount required by precept.

Any Receiver appointed under this Section shall be entitled to receive all rates payable to such Trustees, and to make and levy rates for the purpose of paying the amounts due under such precept together with all costs and expenses (including the amount of his salary), and for the purposes aforesaid the Receiver shall be deemed to be the Trustees, and may exercise all their powers. Any such Receiver shall continue to act until payment has been made to the Minister of the amount in default, together with all costs and expenses as aforesaid.

9 Notwithstanding anything to the contrary contained in "The Roads Act, 1884," it shall be lawful for the Governor, if he shall think fit, to authorise the Minister to cause to be expended the whole or any part of the money appropriated by this Act in the maintenance of the Main Road for which such money is appropriated.

Minister may cause money to be expended.

Main Roads Maintenance.

A.D. 1905.

SCHEDULE.

Description of Road.	Road District.	Road Rate.	Approximate Length.	Rate per Mile.	Amount of Maintenance in Districts.	Total Amount of Maintenance.	Contributed from the
		s. M. CH.		£	£	£	£
Hobart to Huon Bridge	Wellington	1 1 20	25	81/ 5s.			
	Leslie	1 8 60	25	218/ 15s.			
	Longley	1 4 40	20	90			
	Victoria	1 10 0	18	180		520	
Huon Bridge to Geeveston.....	Franklin	1 10 0	20	200			
	Liverpool	1 8 40	20	70		270	
Geeveston to Surges Bay.....	Liverpool	1 2 40	12	30			
	Surges Bay	1 8 40	12	42		72	
Surges Bay to Dover	Surges Bay	1 4 0	15	60			
	Esperance	1 4 0	15	60		120	
Dover to Southport	Esperance	1 5 0	8	40			
	Southport	1 9 0	8	72		112	
Huon Bridge to Port Cygnet	Victoria	1 1 0	10	10			
	Woodstock	1 6 20	10	62/ 10s.			
	Port Cygnet	1 0 60	10	7/ 10s.			
	Port Cygnet (S. end)	1 4 40	20	90		170	
Risdon Road	Moonah	1 3 0	10	30		30	
Hobart to Kingston	Queenborough	1 8 0	15	120		120	
Kingaton to Oyster Cove	Kingston	1 5 0	10	50			
	Margate	1 9 0	10	90		140	
Oyster Cove to Gordon.....	Margate	1 3 40	10	35			
	Gordon	1 7 40	10	75		110	
Sorell to Swansea	Upper Sorell	1 5 0	8	40			
	Richmond	9d. 5 40	8	44		...	11
	Spring Bay	6d. 37 40	7	262/ 10s.		...	39/ 10s.
	Glamorgan	9d. 18 0	7	126		...	31/ 10s.
						472/ 10s.	
Sorell to Dunalley and Carnarvon ..	Sorell	1 20 0	7	140			
	Bream Creek	1 14 0	7	98			
	Tasman's Peninsula	1 14 0	7	98		336	
Cambridge to Richmond.....	Cambridge	1s. 3d. 4 60	10	47/ 10s.			
	Richmond	9d. 4 20	10	42/ 10s.		90	10/ 12s. 6d.
Richmond to Searle's Corner	Richmond	9d. 6 0	7	42		42	10/ 10s.
Bridge and Campania	Lower Derwent	9d. 3 40	15	52/ 10s.		52/ 10s.	13/ 2s. 6d.
Glenora Road to Gretna	Hamilton	9d. 13 0	10	130		130	32/ 10s.
Gretna to Hamilton	Hamilton	9d. 9 0	5	45		45	11/ 5s.
Hamilton to Ouse.....	Bothwell	9d. 9 0	12	108		108	27
Apsley to Bothwell	Tunnack	1 9 0	5	45		45	
Parattah to Tunnack	Tunnack	1 7 40	10	75		75	
Stonor Railway Station to Tunnack	Fingal	1 16 0	8	128		128	
via Rumney's Huts							
Fingal to Mathinna							

Main Roads Maintenance.

Description of Road.	Road District.	Road Rate.	Approximate Length.	Rate per Mile.	Amount of Maintenance in Districts.	Total Amount of Maintenance.	Contributions from Trusts.	A.D. 1905.
Launceston to Carrick	Carrick	s. 9d.	M. C. 10 0	£ 15	£ 150	150	£ 37l 10s.	
Carrick to Westbury	Westbury	1s.	9 0	5	45	45		
Longford to Cressy	Longford	9d.	7 0	12	84	84	21	
Launceston towards Perth	Breadalbane	1	4 0	15	60	60		
Launceston to George Town	Dorset	9d.	14 40	7	101l 10s.	...	25l 7s. 6d.	
	Saltwood	1	8 0	5	40			
	George Town	1	18 40	5	67l 10s.	209		
Launceston to Beaconsfield	West Tamar (S. end)	1	7 0	14	98			
	Ditto (Middle)	1	11 0	6	66			
	Ditto (N. end)	1	5 0	20	100	264		
Beaconsfield to Beauty Point.....	West Tamar	1	2 0	15	30	30		
Scottsdale to Derby	Scottsdale	1	1 40	30	45			
	Ringarooma	1	19 40	30	585	630		
Scottsdale towards Sideling	Scottsdale	1	4 0	12	48	48		
Derby to Moorina	Boobyalla	1	7 0	16	112	112		
Moorina to Lottah	Boobyalla	1	4 0	10	40			
	Gould's Country	1	12 0	10	120	160		
Lottah to St. Helens.....	Gould's Country	1	13 40	10	135			
	Portland	1	4 40	15	67l 10s.	202l 10s.		
St. Helens to St. Marys.....	Portland	1	12 0	7	84			
	St. Marys	1	11 0	10	110	194		
Kay to Ringarooma.....	Ringarooma	1	6 0	10	60	60		
Gladstone Road	Boobyalla	1	18 0	6	108	108		
Railton to Sheffield	Railton	1	3 0	30	90			
	Kentish Plains	1	7 0	20	140	230		
Sheffield to Promised Land	Kentish Plains	1	4 0	7	28	28		
Beulah Road (from Junction with Railton-Sheffield Road, near Dodds')	Railton	1	2 40	10	25			
	Beulah	1	3 0	10	30	55		
Latrobe (Railway Station) towards Sassafras.....	East Mersey	1s. 3d.	6 40	10	65	65		
East Devonport towards Northdown	Harford & Templeton	1	4 0	7	28	28		
West Devonport to Barrington	Tarleton	1	10 0	30	300			
	Ditto (S. end)	1	4 0	20	80	380		
Don Bridge to Devonport	Tarleton	1	1 0	20	20	20		
Forth to Leith	Don	1	3 0	15	45	45		
Ulverstone to Castra	Leven	s. 3d.	11 40	10	115	115		
Ulverstone to Junction, North Motton Road.....	Ditto	1s. 3d.	3 0	12	36	36		

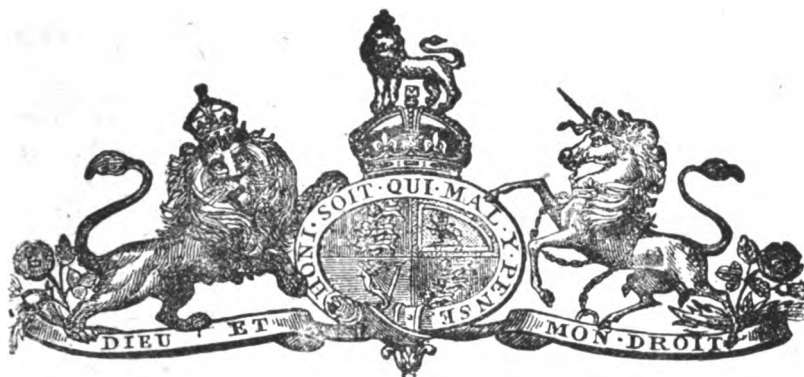
Main Roads Maintenance.

A.D. 1905.

Description of Road.	Road District.	Road Rate.	Approximate Length.	Rate per Mile.	Amount of Maintenance in District.	Total of Amount of Maintenance.	Contributions from Trusts.
		s. M. C.		£	£	£	£
Junction to Preston	Leven	1s. 3d.	8 0	5	40	40	
Penguin to Junction of East and West Pine Road	Penguin	1	3 0	10	30	30	
Burnie (Town Boundary) to Stowport	Emu Bay	1s. 3d.	7 40	10	75	75	
Cam Road, West	Cam	1s. 3d.	4 0	10	40	40	
Mount Hicks Road	Table Cape	1	5 0	10	50	50	
Flowerdale Road	Ditto	1	4 0	10	40	40	
Burnie to Wynyard	Emu Bay	1s. 3d.	3 40	30	105	204	
	Cam	1s. 3d.	2 0	17	34		
	Table Cape	1	6 40	10	65		
Wynyard to Stanley	Table Cape	1	12 20	10	122/ 10s.	437/ 10s.	
	Horton (East End)	1	16 40	10	165		
	Horton (West End)	1	7 40	20	150		
South Road	Horton	1	8 0	10	80	80	
Wynyard-Stanley Road to Smithton	Horton	1	6 40	5	32/ 10s.	50	
	Mowbray	1s. 3d.	3 40	5	17/ 10s.		
Queenstown to Gormanston	Queenstown	...	3 0	18	54	72	
	Gormanston	...	1 0	18	18		
						£7665	£270 17s. 6d.

Amount from Revenue	£	s.	d.
Main Road Bridges, Culverts generally, and Contingencies	7394	2	6
Total from Revenue	£7800	0	0
Amount from Trusts—£270 17s. 6d.			

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 23.



AN ACT relating to Mines and Mining.

A. D. 1905.

[1 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- | | |
|---|----------------------|
| 1 This Act may be cited as “The Mining Act, 1905.” | Short title. |
| 2 This Act shall come into operation and shall take effect on the First day of <i>January</i> , One thousand nine hundred and six. | Commencement of Act. |
| 3 This Act is divided into Fourteen Parts, as follows:— | Division of Act. |
| Part I.—Preliminary. Sections 4 to 7. | |
| Part II.—Mining Fields and Appointments. Sections 8 to 19. | |
| Part III.—Prospectors’ Licences and Miners’ Rights. Sections 20 to 43. | |
| Part IV.—Leases. Sections 44 to 106. | |
| Part V.—Water-rights, Timber-rights, and Easements, Sections 107 to 123. | |

10s. 10d.]

Mining.

A.D. 1905.

- Part VI.—Mining Operations. Sections 124 to 149.
 Part VII.—Encouragement of Mining. Sections 150 to 159.
 Part VIII.—Regulation of Mines. Sections 160 to 213.
 Part IX.—Drainage of Mines. Sections 214 to 221.
 Part X.—Deposit of Tailings. Sections 222 to 225.
 Part XI.—Administration of Justice. Sections 226 to 279.
 Part XII.—Caveats. Sections 280 to 282.
 Part XIII.—Regulations. Sections 283 to 287.
 Part XIV.—General Provisions. Sections 288 to 335.

PART I.**PRELIMINARY.**

Interpretation.

4 In this Act, if not inconsistent with the context, the following words and terms shall have the meanings hereby assigned to them respectively ; that is to say :—

“ Act,” as a Statutory Enactment, includes all Regulations and Rules made thereunder :

“ Any former Act ” means any Act heretofore in force relating to the leasing or occupation of Crown lands for mining purposes :

“ Authorised holding ” means any land held or occupied under Occupation Licence, Residence Licence, or Business Licence by virtue of any Act for the time being in force regulating the disposal of lands of the Crown :

“ Bankruptcy ” includes any composition or arrangement with creditors under any Act relating to bankrupt debtors, and in the case of an incorporated company means any winding-up proceedings :

(W.A.)

“ Claim ” means the portion of land which any person shall lawfully have taken possession of and be entitled to occupy for mining purposes, or any number of such portions lawfully amalgamated : but no land comprised in any mining lease, or in any application therefor, shall be deemed to be a claim :

“ Clerk ” means Clerk of the Warden’s Court :

Vide W.A. definition.

“ Crown lands ” or “ Crown land ” means all land of the Crown in *Tasmania*, except—

- I. Lands reserved for or dedicated to any public purpose :
- II. Lands subject to any lease or licence for mining purposes or relating to mining, granted under this or any former Act, or lands held by virtue of a Miner’s Right, Consolidated Miner’s Right, or Prospector’s Licence :
- III. Any “ authorised holding ” as defined by this Act ;

Mining.

- “Colliery” means a mine worked for the produce of coal or shale : A.D. 1905.
- “Dam” means any natural or artificial storage or accumulation of water on the surface :
- “Earth” includes any rock, stone, gravel, quartz, clay, sand, or soil :
- “Electric line” means and includes a wire, conductor, or other means used for conveying, transmitting, or distributing electricity, with any casing, coating, tube, pipe, or insulator enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity : (W.A.)
- “Existing” means existing at the time of the commencement of this Act :
- “Gazette” means the *Hobart Gazette* :
- “Gold” means as well any gold as any earth or substance containing gold or having gold mixed in the substance thereof, or set apart for the purpose of extracting gold therefrom : (Q.)
- “High explosive” means dynamite, gelatine dynamite, gelignite, lithofracteur, or any other substance used for blasting purposes which is exploded by means of a detonator :
- “Improvements” means and includes any substantial house, store, stable, hut, or building ; any fence as prescribed ; any well, race, dam, reservoir, tank, trough, pump, or other apparatus for raising water ; or any garden, plantation, or cultivation :
- “Inspector of Mines” or “Inspector” means any Inspector of Mines appointed under this Act, and includes the Chief Inspector :
- “Lease” includes any lease or licence other than a Prospector’s Licence granted or approved under or subject to this Act :
- “Lessee” means any person to whom a “Lease” has been granted, assigned, or transferred, or in whom a “Lease” is vested :
- “Machinery” means and includes steam and other engines, boilers, furnaces, stampers, winding and pumping gear, whims, windlasses, chains, trucks, cages, tramways, tackle, blocks, ropes, tools, and all electric and other appliances of whatsoever kind used in or about a mine or elsewhere for the treatment of mine products or for mining purposes :
- “Mine” as a noun means and includes any claim, place, pit, shaft, drive, level, or other excavation, drift, gutter, deposit, lead, vein, lode or reef wherein or whereby any operation for or in connection with mining purposes is carried on, or wherein operations are carried on for the treatment of mine products :
- “Mine” used as a verb means to disturb, remove, cart, carry, wash, sift, smelt, refine, crush, or otherwise deal with any

Mining.

A.D. 1905.

earth by any mode or method whatsoever, for the purpose of obtaining any gold or any other mineral therefrom, whether the same may have been previously disturbed or not, as well as to appropriate such mineral, being the finder thereof, to one's own use:

“Mineral” means any metal or mineral, other than gold, and the ore of any metal other than gold, and also petroleum and any other mineral oil, but shall not include gems and precious stones:

“Mining” means mining operations, and includes prospecting:

“Mining Field” means any portion of Crown land proclaimed or constituted, or deemed to have been proclaimed or constituted, a mining field under the provisions of this Act:

“Mining Manager” means the person in charge of and having the control and direction of mining operations in a mine, and registered as provided by this Act, and also any person under whose immediate direction or control contractors or tributers work in a mine:

“Mining partnership” means and includes all partnerships and co-adventures entered into by Two or more persons for mining purposes, not being a registered company:

“Mining purposes” or “Mining operations” means mining for gold or any other metal or mineral, and includes—

- i. The stacking, storing, and treatment of any substance supposed to contain gold or any other metal or mineral:
- ii. The erection, maintenance, and use of machinery, the construction or use of races, dams, channels, batteries, dredges, buildings, and other works connected with any such operations or purposes:
- iii. The deposit or discharge of tailings, *débris*, refuse, and waste water produced from or consequent on any such operations or purposes:
- iv. The lawful use of land, watercourses, and water; and the doing of all lawful acts incident or conducive to any such purposes or operations:

“Mine Owner” or “Owner” means any person who is the immediate proprietor, or lessee, or licensee, or occupier of any mine or any part thereof, and does not include a person who merely receives a royalty, rent, tribute, or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant, or licence for the working thereof; and, in the case of a company incorporated under any Act relating to Mining Companies or Joint Stock Companies, shall include the manager or agent of such company, and in any other case the person having the management of mining operations carried on in any mine; but any contractor or tributer for the working of any mine or any part thereof,

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or for doing any specific work therein, shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability : A.D. 1905.

“ Mining Tenement ” means and includes any land applied for, held, occupied, used, or enjoyed under a lease or application therefor, or as a claim, or any area, water-race, drain, dam, or reservoir ; any stack or accumulation of earth containing gold or any other mineral ; or any easement taken up, held, occupied, used or enjoyed under or by virtue of a Miner’s Right or Prospector’s Licence : (W.A.)

“ Minister ” means the Responsible Minister of the Crown for the time being administering this Act, who shall when doing or performing any act, matter, or thing hereunder, be styled or called the “ Minister for Mines ” :

“ Person ” includes any body of persons, whether corporate or unincorporate, and also any mining partnership or co-adventure entered into by Two or more persons for mining purposes and not registered as a company :

“ Prescribed ” means prescribed by this Act or by the Regulations :

“ Proclamation ” means a proclamation by the Governor published in the *Gazette* :

“ Prospecting ” means any operations carried on for the purpose only of searching for or proving the existence of gold or other minerals in or upon any Crown lands held under a Prospector’s Licence, but shall not confer the right to remove from any such land any gold or other minerals discovered or being thereon, except to the extent and for the purposes authorised by this Act :

“ Regulations ” means the Regulations and forms for the time being in force under the provisions of this Act :

“ Reserve ” means any street or road or any land which for the time being is set apart for any public purposes, or which is a reserve within the meaning of any Act relating to Crown lands, and in force for the time being, and any land which for the time being is excepted from occupation for mining purposes under the provisions of this Act or otherwise :

“ Reservoir ” has the same meaning as “ dam ” :

“ Road ” means any road, street, or highway :

“ Warden ” means every Warden appointed or deemed to have been appointed under the provisions of this Act :

“ Warden’s Court ” means any Court held by and before a Warden, whether sitting alone or with assessors.

Words in this Act referring to a particular Court, office, Warden, or other officer shall be construed as referring to the Court or office in the district, or to the Warden or other officer having jurisdiction or exercising his functions within the district, wherein arose the matter in

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relation to which the reference is made ; or if such matter did not arise within a district, then to the Court or office in, or to the Warden or other officer having jurisdiction or exercising his functions within, the nearest district.

Repeal and
saving clause.

5 From and after the commencement of this Act "The Mining Act, 1900," is hereby repealed : Provided that—

(1.) Every holder of a mining tenement acquired before the commencement of this Act under any former Act or the Regulations thereunder, except a Miner's Claim held at the commencement of this Act under "The Mining Act, 1900," shall, in respect of any such mining tenement, be entitled to all the privileges conferred by this Act, and every such mining tenement, except a Miner's Claim, shall be held subject to the provisions of this Act and the Regulations thereunder in force at or after the commencement of this Act for the time being.

This Sub-section shall not apply to the holder of any mining tenement who shall, within Six calendar months after the commencement of this Act, give notice in the prescribed form to the Secretary for Mines of his desire to remain unaffected by the provision herein contained ; and every such holder of a mining tenement shall continue to hold and enjoy the same, subject only to the covenants and conditions contained in or imposed by the instrument granting the same, or the enactment by virtue whereof the same was granted to him.

The Secretary for Mines shall cause a notice calling attention to this Sub-section to be advertised Three times in the month of *January*, One thousand nine hundred and six, in the following publications, namely, the *Gazette*, a newspaper published in *Hobart*, a newspaper published in *Launceston*, and a newspaper (if any) published in *Zeehan*, *Devonport*, and *Burnie* ; and a copy of this Sub-section shall be published with such notice.

(2.) Every person who, at the time of the commencement of this Act, is the lawful holder of a Miner's Claim under "The Mining Act, 1900," shall, until the abandonment or forfeiture thereof, or until the expiration of Twelve months from the commencement of this Act, whichever shall first happen, and no longer—

i. Continue to have, and may exercise in relation to his Miner's Claim the same rights, powers, and privileges as if this Act had not been passed : Provided that no holder of a Miner's Claim may, after the commencement of this Act, mark off another Miner's Claim :

ii. Be subject to the same obligations and penalties as if this Act had not been passed.

The provisions of "The Mining Act, 1900," and of any Regulations made thereunder, so far as they affect any Miner's Claim or any Water Right or Easement attached thereto, shall be deemed unrepealed and in full force, and all questions arising in relation to any such Claim, Right, or Easement, shall be determined under the provisions of "The Mining Act, 1900," and of the Regulations made thereunder.

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Every person who, at the commencement of this Act, is the holder of a Miner's Claim, shall, within Six months from the commencement of this Act, apply to a Registrar of Mines, under Regulation Fifteen made under "The Mining Act, 1900," for the registration of his Miner's Claim, and every such application shall be dealt with as provided in the Regulations made under that Act. A.D. 1905.

(3.) Any officer appointed, any body constituted, and any office established under any former Act shall continue and be deemed to have been appointed, constituted, or established, as the case may be, under this Act. Provided that every Commissioner of Mines holding office at the commencement of this Act shall be deemed to be duly appointed a Warden under this Act.

(4.) Any Proclamation published, notification made, document issued, notice given, licence, certificate, or authority granted under any former Act, and in force at the time of the commencement of this Act, shall continue in force as if it had been published, made, issued, given, or granted under this Act.

(5.) All Regulations, rules, and forms not being inconsistent with the provisions of this Act duly made and published under any former Act, and in force and use at the commencement of this Act, shall continue in force until altered or repealed by Regulations or rules made under this Act, and, so far as may be necessary, shall be deemed to have been made under this Act.

(6.) Where this Act repeals and re-enacts, with or without modification, any provision of "The Mining Act, 1900," references in any other Act or in any document to the provisions so repealed shall, unless a contrary intention appears, be construed as references to the provisions so re-enacted.

(7.) The Governor may make Regulations for more effectually carrying out the provisions of this Section, and for removing any difficulties that may arise.

6 Every Proclamation, Regulation, or Order authorised to be made under this Act may be made from time to time, and may be made applicable to the whole of *Tasmania*, or to such portion or portions thereof as may be mentioned in such Proclamation, Regulation, or Order, and may be made applicable to particular classes of mining tenements within such portion or portions, and may be made to apply in any manner partially or generally in relation to matter, person, or place. And in similar manner may from time to time be amended, altered, revoked, or cancelled, in part or in whole, either in relation to matter, person, or place.

Proclamations, &c., may apply to whole or part of State, and may be altered.
64 Vict. No. 61 (Tas.), s. 9.

As to Mining for Diamonds and Precious Stones.

7 The Governor may from time to time, by Proclamation published in the *Gazette*, declare that any of the provisions of this Act shall apply to mining for diamonds and any other precious stones, and may

Act may be proclaimed in force as to precious stones.
Cf. *ibid.* (Tas.), s. 80, *et cetera*.

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also define the portion or portions of *Tasmania* wherein any such Proclamation shall take effect, and may make such Regulations as he thinks fit, prescribing the rent, royalty, terms and conditions upon which such mining shall be permitted, and generally for regulating such mining.

PART II.

MINING FIELDS AND APPOINTMENTS.

The Minister for
Mines.

8 The administration of this Act and the control of the Department of Mines shall be vested, as heretofore, in the responsible Minister of the Crown holding for the time being the office of Minister for Mines.

Secretary for
Mines may be
appointed.
Cf. *ibid.* (Tas.),
s. 10.

9 It shall be lawful for the Governor from time to time to appoint such person as he thinks fit as and to be Secretary for Mines, and to revoke any such appointment; and the person so appointed shall carry out the duties imposed upon him by this Act, and such other duties as may be prescribed or may be assigned to him by the Minister.

Officers not
allowed to hold
interest in mine.
Cf. *ibid.* (Tas.),
s. 12.

10 No person appointed as Secretary for Mines, Warden, or Registrar shall, during his continuance in office as such, be allowed to hold any interest whatever in any mine in *Tasmania*.

Governor may
constitute
mining fields,
alter boundaries,
or withdraw
Crown lands
from mining field.
Cf. 62 Vict. No.
38 (N.Z.), s. 10.

11 The Governor may from time to time, as he thinks fit, by Proclamation—

i. Constitute and appoint any portion of the State, which the Government Geologist or an Inspector of Mines reports is likely to contain gold, minerals, diamonds, or precious stones, or to be required for the purposes of this Act, to be a mining field, and assign a name and boundaries to such field: and also

ii. Alter the name or boundaries of any mining field, or abolish any mining field: and also

iii. Withdraw any Crown lands from any mining field.

Provided that such alteration, abolition, or withdrawal shall not affect any mining tenement or other right, title, or interest lawfully acquired and existing within the area to which such alteration, abolition, or withdrawal relates at the time when the Proclamation effecting the same is made.

Existing goldfield
or mining field.
Cf. 64 Vict. No.
61 (Tas.), s. 13.

12 Every existing goldfield or mining field proclaimed under any former Act shall be and be deemed to be a mining field for the purposes of this Act, and, so far as may be necessary, shall be deemed to have been constituted and proclaimed as a mining field under this Act.

But the boundaries of every such goldfield or mining field may be altered or amended, and every such goldfield or mining field may be abolished, under the provisions of this Act.

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13 The Governor may from time to time, as he thinks fit, by Order in Council—

- i. Constitute and appoint in and for any one or more mining fields or portions thereof such Warden's Courts as he deems necessary : and also
- ii. Abolish any such Court : and also
- iii. Appoint fit persons to be Wardens, each of whom shall have the powers, duties, and authorities hereinafter expressed, and shall hold office during the Governor's pleasure, and for the purposes of this Act shall have jurisdiction throughout the State, but shall exercise his jurisdiction and perform his duties and functions in such mining fields, districts, or localities as the Minister from time to time directs:
- iv. The Secretary for Mines shall be a Warden by virtue of his office :
- v Whenever a Warden's Court is abolished the proceedings pending therein and the records thereof shall be transferred to and continued in such other Warden's Court as the Governor may direct, or shall be otherwise dealt with as the Governor directs

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Constitution of Warden's Courts and appointment of Wardens.
Cf. *ibid.* (N.Z.), s. 11.

14—(1.) The Governor may from time to time, in such manner and on such terms as he thinks fit, appoint such and so many fit persons to be Registrars of Mines, Clerks, Bailiffs, Assistant Clerks, Assistant Bailiffs, and other officers of Warden's Courts, and for such places respectively as the Governor thinks necessary for the efficient performance of all duties in connection with mining and with the administration of this Act and the Regulations.

Appointment of Registrars of Mines, Clerks, and Bailiffs.
Cf. *ibid.* (N.Z.), s. 12.

(2.) If and as often as any such officer is incapacitated by illness, absence, or other sufficient cause from performing his duties, the Warden may appoint a fit person to act as deputy, who, whilst so acting, shall exercise and perform all the functions and duties of the officer for whom he is the deputy.

Deputies thereof.

(3.) An entry of every such appointment shall be made by the Warden in the minute-book of the Court.

15 When any land held under a Timber Lease or Licence, or under a lease or licence for pastoral or grazing purposes under any Act or Regulation relating to Crown lands, is situate within the boundaries of any mining field, the Governor may on the recommendation of the Commissioner of Crown Lands suspend or cancel wholly or in part such lease or licence in respect of any such land, upon payment of such compensation as the lessee or licensee is entitled to under any Act relating to Crown lands. Upon suspension or cancellation of the lease or licence the Commissioner of Crown Lands shall remit to the lessee or licensee a fair proportion of the rent or other consideration for the lease or licence,

Power to suspend or cancel Pastoral or Grazing Leases, &c.
See 56 and 57 Vict. No. 587, Section 97 (S.A.).
3 Ed. VII. No. 15, Section 15 (W.A.).
64 Vict. No. 61, Section 205 (Tas.).

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Crown lands may be set apart for mining or exempted therefrom.
62 Vict. No. 38,
s. 20 (N.Z.).

16—(1.) The Governor may from time to time, by notice in the *Gazette*—

- i. Set apart for mining purposes exclusively, or for any specified mining purpose exclusively, any unoccupied Crown lands within a mining field or outside thereof: and also
- ii. Exempt any Crown lands from mining, or from any specified mining purpose, or from this Act or any specified provisions of this Act.

(2.) The lands to which any such *Gazette* notice relates shall be specified therein by words of particular description.

(3.) So long as any such lands are set apart for mining purposes exclusively, or for any specified mining purpose exclusively, pursuant to any such *Gazette* notice, they shall not be available for any other purposes.

(4.) So long as any such lands are exempted from mining, or from any specified mining purpose, or from this Act or any specified provisions of this Act, pursuant to any such *Gazette* notice, they shall, to the extent of such exemption, cease to be subject to the operation of this Act.

Reserves
exempt from Act.
Ibid., s. 24 (N.Z.).

17 Subject to the provisions hereinafter contained, all Public Reserves are hereby declared to be exempt from the operation of this Act.

Provided that all Public Reserves which at the commencement of this Act were within the operation of any former Act shall to the same extent be subject to the operation of this Act.

Public reserves
may be brought
under Act.
Ibid., s. 25 (N.Z.).

18 With respect to the lands comprised in any Public Reserve, and situate within any mining field, the following provisions shall apply:—

- i. The Governor may from time to time, by notice in the *Gazette*, bring such lands or any specified portion thereof within the operations of this Act or of any specified provisions of this Act:
- ii. So long as such *Gazette* notice continues in force, the provisions specified therein shall, according to the tenor thereof, apply to the land comprised therein as fully as if such lands were Crown lands open for mining, subject nevertheless to such conditions, modifications, and restrictions (if any) as the Governor by regulations or otherwise thinks fit to prescribe:
- iii. All fees, rents, royalties, and other moneys received under this Act in respect of such lands shall be paid into and form part of the Consolidated Revenue Fund:
- iv. Nothing in this Section contained shall empower any person to interfere in any way whatsoever with any works already constructed, or that may be hereafter constructed, upon any Public Reserve.

*Mining.**Sale and Occupation of Crown Lands.*

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19 No Crown land situated within a mining field shall be sold, leased, granted, or disposed of under the provisions of any Act for the time being in force regulating the sale, lease, or disposal of lands of the Crown, without the approval of the Minister for the time being charged with the administration of this Act: Provided that if any such Minister does not approve of any sale, lease, grant, or other disposal of Crown land within a mining field proposed by the Commissioner of Crown Lands, the latter may, if he think fit, within the prescribed time, appeal to the Governor concerning the matter, and the decision of the Governor shall be final.

Leases, &c., to be approved by Minister.
Cf. 3 Ed. VII., No. 15, s. 268 (W.A.).

PART III.**PROSPECTORS' LICENCES AND MINERS' RIGHTS.***As to the granting thereof.*

20 Prospectors' Licences, Miners' Rights, and Consolidated Miners' Rights may be issued by—

- i. Every Warden of Mines :
- ii. Every Registrar of Mines :
- iii. Every other person authorised in that behalf by notice published in the *Gazette*, under the hand of the Minister.

Cf. Part II. of 57 Vict. No. 24 (Tas.); also Part IV. of 3 Ed. VII. No. 15 (W.A.).
Who may issue.

21 The holder of a Prospector's Licence, Miner's Right, or Consolidated Miner's Right shall be the person in whose name the same is issued.

Holder.

22 Every Prospector's Licence, Miner's Right, and Consolidated Miner's Right—

Particulars to be stated.

- i. Shall be issued in such form and be subject to such conditions as may be prescribed :
- ii. Shall be signed by the person who issues the same :
- iii. Shall state the date and place of issue, and the name in full, of the person in whose favour it is issued :
- iv. Shall be in force until the Thirty-first day of *December* next after the date thereof :
- v. Save as provided by the Regulations, shall not be transferable.

23—(1.) A Prospector's Licence may be granted to any person applying for the same, upon payment of a sum of—

Application for Prospector's Licence, and fee payable.

- i. Ten Shillings, if applied for on or before the Thirtieth day of *June* in any year :
- ii. Five Shillings, if applied for after the Thirtieth day of *June* in any year.

(2.) A Miner's Right may be granted to any person applying for the same, upon payment of a sum of—

Application for Miner's Right, and fee payable.

- i. Five Shillings, if applied for on or before the Thirtieth day of *June* in any year :

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ii. Two Shillings and Sixpence, if applied for after the Thirtieth day of *June* in any year.

(3.) No Prospector's Licence or Miner's Right shall be granted to any individual person who is under the age of Fifteen years.

Licence or Right may be issued to manager or agent of partnership or company.

24 A Prospector's Licence or Miner's Right may be issued to the manager or agent of a mining partnership, or to the manager of a duly registered mining company, or the registered agent of a mining company not registered in *Tasmania* for and on behalf of the said partnership or company as the case may be.

Application for Consolidated Miners' Rights. 3 Ed. VII. No. 15, s. 19 (W.A.).

25—(1.) Subject as hereinafter provided, a Consolidated Miner's Right may be granted to an incorporated company, or any co-operative body of persons who shall have agreed to work in co-ownership or co-partnership any claim or claims taken up or held under the provisions of this Act, or to any manager, attorney, or trustee for any such company or co-operative body applying for the same.

Vide 57 Vict. No. 24, ss. 24, 25 (Tas.).

(2.) Any such Consolidated Miner's Right shall, during its continuance, be held on behalf of the persons who shall for the time being be members of such company or co-operative body.

Effect of Consolidated Miner's Right. *Ibid.* (W.A.), s. 20.

26 A Consolidated Miner's Right—

- i. Shall be in lieu of and represent and be of the same force and effect as a number of Miners' Rights granted equal to the number of the Miners' Rights by virtue of which the claim or claims is or are taken possession of or held : and
- ii. Shall be granted to any company or co-operative body of persons applying for the same on payment of a sum at the rate payable for a Miner's Right multiplied by the number of Miners' Rights the Consolidated Miner's Right is to represent.

No person to hold more than One Prospector's Licence or Miner's Right, and to produce the same on demand. 57 Vict. No. 24, s. 27 (Tas.).

27 No person shall at one time hold more than One Prospector's Licence, nor more than One Miner's Right, and every person holding a Prospector's Licence, or Miner's Right, or Consolidated Miner's Right shall, if reasonably required so to do, produce the same upon demand or within a reasonable time thereafter to a Warden, or Registrar, or to any Constable or to any Bailiff of Crown Lands, or to any other person duly authorised by a Warden to demand the same ; and if such firstmentioned person shall not produce the same when demanded he shall, upon conviction, be liable to forfeit and pay a penalty not exceeding Five Pounds.

As to Privileges under Prospector's Licence.

Privilege conferred by Prospector's Licence. 57 Vict. No. 24, s. 19 (Tas.). 64 Vict. No. 61, s. 16 (Tas.).

28 Every Prospector's Licence shall, subject to the provisions of this Act and the Regulations, entitle the holder thereof, during the continuance of such licence, to prospect for gold and any other minerals upon such an area of Crown lands (whether within or outside of a mining field) as may be prescribed ; and any discoveries made in

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the course of such prospecting by the holder of any such licence shall be protected in such manner as may be prescribed. A.D. 1905.

29—(1.) Where any persons jointly contribute towards prospecting for gold or minerals, whether such contribution be by way of money, labour, or otherwise, all discoveries made in the course of such prospecting which such persons shall be entitled to take up as a claim under this Act shall be, except when otherwise agreed, the joint property in equal shares of the persons so contributing. Discoveries made by prospecting parties joint property of prospectors. 57 Vict. No. 24, s. 20 (Tas.).

(2.) Every dispute relating to such prospecting or discoveries may be heard and determined (subject to the right of appeal* provided by this Act) by a Warden, who shall have power to receive evidence, written or verbal.

As to Privileges under Miner's Right, &c.

30—(1.) The holder of a Miner's Right or Consolidated Miner's Right shall, subject to the provisions of this Act and to the Regulations, be entitled (except as against His Majesty)— Privileges conferred by a Miner's Right or Consolidated Miner's Right. 57 Vict. No. 24, s. 28 (Tas.). 3 Ed. VII. No. 15, s. 26 (W.A.).

- i. To take possession of and occupy any Crown land, and to mine therein for gold or any other mineral or metal :
- ii. To cut, construct, and use races, dams, drains, wells, reservoirs, roads, tramways, and other works which may be required for mining purposes through and upon any Crown land :
- iii. To take or divert water from any spring, lake, pool, or stream which His Majesty can lawfully take and divert, and to use such water for mining purposes, and for his own domestic purposes, upon payment of such annual sum as may be prescribed :
- iv. To use by way of easement any unoccupied Crown land upon such conditions, and upon payment of such annual sum as may be prescribed :
- v. To put up and to remove any building or structure on his Miner's Right claim :
- vi. For his personal use in connection with mining, and for the purpose of building for himself a place of residence or business—
 - (a) To cut and remove timber, subject to the provisions of any Act relating to Crown lands and the Regulations thereunder for the preservation of timber in force for the time being : and
 - (b) To remove any stone, clay, or gravel, from his own Miner's Right claim or from any Crown land not exempted from mining operations :
- vii. To cut and remove firewood for his domestic use from his own Miner's Right claim, or from any Crown land.

(2.) Any holder of a Miner's Right or Consolidated Miner's Right so taking up and occupying Crown land as aforesaid shall, subject to the provisions of this Act and the Regulations, be deemed in law to be possessed (except as against His Majesty) of such lands so taken up

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and occupied ; and the property therein, and every share or interest which may be created therein under this Act or the Regulations, shall be deemed a chattel interest.

(3.) All gold and minerals found upon any land so taken up and occupied for the purpose of mining for gold, and all minerals found upon any land so taken up and occupied for the purpose of mining for minerals, shall be the absolute property of the holder of such Miner's Right or Consolidated Miner's Right in lawful occupation of such land.

Privileges may
be exercised
jointly.
Ibid. (W.A.),
s. 27.

31 Any number of persons not exceeding Ten, each being the holder of a Miner's Right, may, subject to this Act and the Regulations, jointly take possession of, mine, and occupy Crown land as a claim or claims.

Generally.

Exemption of
certain lands from
occupation under
Prospector's
Licence or
Miner's Right.
3 Ed. VII. No. 15,
s. 28 (W.A.).

32 The undermentioned Crown lands shall be exempt from occupation by the holder of a Prospector's Licence or a Miner's Right : —

- i. Land already occupied by virtue of a Prospector's Licence or a Miner's Right :
- ii. Land in lawful occupation as a yard, garden, orchard, or cultivated field :
- iii. Land in actual occupation on which a house or other substantial building has been erected : and
- iv. Land on which an artificial dam or reservoir has been made or a well or bore sunk :

Provided that any such land, not being a claim, may be occupied as a claim by the holder of a Miner's Right—

- (a) If such holder first makes compensation for any improvements to the occupier of the land, such compensation to be assessed by the Warden : or
- (b) For mining below the surface on conditions prescribed by the Regulations.

Power to exempt
other lands.
Ibid., s. 29.

33 Notwithstanding any provisions to the contrary, the Governor may at any time, by notice in the *Gazette*, exempt from occupation by the holder of a Prospector's Licence or a Miner's Right any specified portions of Crown lands or any class of Crown lands.

Mining on
reserved lands.
Ibid., s. 30.

34 The Governor may authorise any holder of a Miner's Right or the holders of Miners' Rights generally—

- i. To occupy for mining any Crown land exempted from occupation under the last preceding Section :
- ii. To mine upon or under any road, street, highway, navigable waters, or reserve : or
- iii. To construct drives under such land, subject to such conditions and restrictions as may be prescribed.

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The Minister on receipt of an application under this Section shall cause notice thereof to be published in the prescribed manner, and no authority to mine shall be granted if, in the opinion of the Minister, any valid objection is lodged within the prescribed time after publication of such notice. The sum of Five Pounds shall be deposited with every application to meet the cost of publishing notice thereof, and of an inspection of and report upon the land applied for.

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Where any such land is situated within an area under the control of a Local Body, a copy of the application shall be delivered or sent by post to the Mayor, Warden, or Chairman of such Local Body.

No holder of a Miner's Right shall prospect or mine upon or under a street, road, or highway without the consent, in writing, of the Local Body or other authority having the control thereof.

No mining under road, &c., without consent.

35 The holder of a Miner's Right or of a Consolidated Miner's Right may, subject to the provisions of this Act and of the Regulations made hereunder, mine at such depth below the surface as shall be prescribed under and in any land held under an Occupation, Residence, or Business Licence.

Mining under land held under Licence. *Vide* 57 Vict. No. 24, s. 29 (Tas.).

36 If a Prospector's Licence, Miner's Right, or Consolidated Miner's Right has been accidentally lost or destroyed before the expiry of the time for which it was issued, a duplicate thereof may be issued for the remainder of such term at a fee of One Shilling upon the applicant giving satisfactory evidence to a Warden of Mines of its loss or destruction.

Duplicate may be issued. *Vide* 62 Vict. No. 24, s. 14 (Q.).

37—(1.) The holder of a Prospector's Licence, Miner's Right, or Consolidated Miner's Right may, at any time within Thirty days before the expiration of its currency, apply to a Warden of Mines, Registrar of Mines, or other person authorised to issue the same for a new Prospector's Licence, Miner's Right, or Consolidated Miner's Right to be dated as of the day following the date of such expiration.

Post-dating of Prospector's Licences, Miners' Rights, &c. *Vide* 3 Ed. VII. No. 15, s. 38 (W.A.).

(2.) Upon production by the applicant of the expiring Prospector's Licence, Miner's Right, or Consolidated Miner's Right, and upon payment of the sum ordinarily payable for a Prospector's Licence, Miner's Right, or Consolidated Miner's Right, as the case may be, such Warden, Registrar of Mines, or other person so authorised as aforesaid may issue a Prospector's Licence, Miner's Right, or Consolidated Miner's Right, dated as of the day following the date of such expiration, which shall have the same force and efficacy as if it had been issued on that day.

38—(1.) The holder of a Miner's Right may, at any time within Fourteen days after the expiration of its currency, apply to any Warden for a new Miner's Right, to be dated as of the date of such expiration.

Ante-dating of Miners' Rights. *Ibid.*, s. 39 (W.A.).

(2.) Upon production by the applicant of the expired Miner's Right, the Warden may issue, or cause to be issued, a Miner's Right, dated as

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of the day of such expiration, which shall have the same force and efficacy as if it had been issued on that day.

(3.) If the application is made within Seven days after such expiration, the fee payable for the new Miner's Right shall be the ordinary fee payable for a Miner's Right or Consolidated Miner's Right, as the case may be; but if the application is made after Seven days from such expiration, a fee of Two Shillings and Sixpence shall be payable for the new Miner's Right or for each Miner's Right represented by a Consolidated Miner's Right, in addition to the ordinary fee.

Exemption from labour.

39 A Warden may, subject to the Regulations, wholly or partially exempt any land held under a Prospector's Licence or Miner's Right, as the case may be, from the prescribed conditions of labour, occupation, or use, for any period not exceeding Six months, but any application for exemption for a longer period than One month shall be heard in open Court.

Devolution on death or bankruptcy.
3 Ed. VII.
No. 15, s. 33
(W.A.).

40 A Miner's Right and all rights and privileges conferred thereby shall, on the death or bankruptcy of the holder thereof, devolve upon his legal personal representative, or the receiver, trustee in bankruptcy, or liquidator, as the case may be.

Same land not to be held by same person as Prospecting Claim and Miner's Right claim.

41—(1.) The same person shall not at the same time hold the same land as a Prospecting Claim, or extended Prospecting Claim, and as a claim marked off under a Miner's Right.

Holder of Prospecting Claim who marks off part under Miner's Right, or application for lease, to cease to retain right to remainder of Prospecting Claim.

(2.) Upon any holder of a Prospecting Claim, or extended Prospecting Claim, marking off in the prescribed manner within or partly within the area of his Prospecting Claim, or extended Prospecting Claim, a claim under his Miner's Right, or land under application by him for lease, he shall cease to retain any right to occupy or hold the remainder of his Prospecting Claim, or extended Prospecting Claim, as the case may be, and such remainder shall be deemed to be unoccupied Crown Land: Provided that the foregoing provision shall not prejudice the right of such holder to acquire a fresh title to such remainder under this Act or the Regulations.

Abandonment or non-renewal of Right.
Ib., s. 41 (W.A.).

42 Any mining tenement of which any person may have taken possession by virtue of a Miner's Right shall, on such person ceasing to be the holder of a Miner's Right, be deemed abandoned.

When claim shall be deemed abandoned.
54 Vict. No. 1120,
s. 10 (Vic.).

43 Any claim which is apparently unoccupied and upon which there is no plant or machinery, and which has been unworked for a longer period than is allowed by the Regulations, shall be deemed to be actually abandoned ground, and may without any adjudication of forfeiture or abandonment be taken up as a claim, in accordance with the Regulations, by any holder of a Miner's Right, but subject nevertheless to the rights (if any still subsisting) of any previous occupant of such ground.

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PART IV.

MINING LEASES.

DIVISION I.—*Gold-mining Leases.*

44 The Minister may, with the consent of the Governor, grant, subject to this Act and the Regulations, to any person, a lease, to be called a "Gold-mining Lease," of any Crown land, for any or all of the undermentioned purposes; that is to say:—

Power to grant leases.
See 64 Vict. No. 61, s. 20 (Tas.).
3 Edw. VII. No. 15, s. 42 (W.A.).

- i. For mining for gold, and for all purposes necessary to effectually carry on such mining operations therein or thereon:
- ii. For cutting and constructing thereon water-races, drains, dams, reservoirs, roads, and tramways to be used in connection with such mining:
- iii. For erecting thereon any buildings or machinery to be used in connection with such mining:
- iv. For boring, or sinking for, pumping, or raising water:
- v. For residence thereon in connection with any or all of such purposes.

45 The area of any land comprised in a Gold-mining Lease shall not exceed Forty acres; and the term of any such lease shall not exceed Twenty-one years, but shall be renewable as provided in Section Sixty-nine of this Act.

Area of Gold-mining Lease.
Term.

46 The yearly rent of every Gold-mining Lease shall be at the rate of One Pound an acre, payable in advance at the times and in the manner prescribed.

Rent.

47 After the approval of an application for a Gold-mining Lease (not being a lease of land which is subject to a lease to mine for other minerals than gold), the lessee shall have the exclusive right of mining for gold and other minerals in and on the land demised and every part thereof.

Lessee to have exclusive right of mining.
3 Edw. VII. No. 15, s. 47 (W.A.).

DIVISION II.—*Mineral Leases.*

48 The Minister may, with the consent of the Governor, grant, subject to this Act and the Regulations, to any person, a lease, to be called a "Mineral Lease," of any Crown land, for any or all of the undermentioned purposes; that is to say:—

Power to grant Mineral Leases.
See 64 Vict. No. 61, s. 20 (Tas.).
Ibid. (W.A.), s. 48.

- i. For mining, and for all purposes necessary to effectually carry on mining operations therein or thereon for any mineral other than gold:
- ii. For cutting and constructing thereon water-races, drains, dams, reservoirs, tramways, and roads to be used in connection with such mining:

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- iii. For erecting thereon any buildings and machinery to be used in connection with such mining :
- iv. For boring or sinking for, pumping, or raising water :
- v. For residence thereon in connection with any or all such purposes.

Area of Mineral Lease.

49—(1.) The area of any land comprised in a Mineral Lease shall not exceed Eighty acres.

(2.) This Section does not apply to leases to mine for coal, shale, slate, freestone, or limestone.

Lessee for minerals other than gold, coal, &c., entitled to all minerals other than gold.
64 Vict. No. 61, s. 124 (Tas.).

Area of Coal-mining Lease.
Ibid. (W.A.), s. 52.

Term.

50 Every person who shall have obtained a lease to mine for any mineral, not being gold, coal, shale, slate, freestone, or limestone, upon any land not subject to a lease to mine for coal, shale, slate, freestone, or limestone, shall be entitled to mine for any minerals, not being gold, found in the land included in such lease.

51 The area of land comprised in a lease to mine for coal, shale, slate, freestone, or limestone shall not exceed Three hundred and twenty acres.

52 The term of any Mineral Lease shall not exceed Twenty-one years, and shall be renewable, as provided in Section Sixty-nine of this Act.

Rent.

53—(1.) The yearly rent of every Mineral Lease, except a lease to mine for coal, shale, slate, freestone, or limestone, shall be at the rate of Five Shillings an acre, payable in advance at the time and in the manner prescribed.

(2.) The yearly rent of land leased for the purpose of mining for coal, shale, slate, freestone, or limestone shall be at the rate of Two Shillings and Sixpence an acre.

Provisions applicable when gold discovered on Mineral Lease.
Ibid., s. 58 (W.A.).

54 When gold is found in any land held under a Mineral Lease—

- i. In association or combination with any mineral ; or
- ii. Otherwise than in association or combination with any mineral,

the lessee shall forthwith report the same to the Minister, and the Minister, if satisfied that—

(a) Gold is the most profitable product of the ore ; or

(b) The deposit of gold can be profitably worked,

may require the lessee, after Thirty days' notice, in writing, to surrender the Mineral Lease, or any part thereof, and take up a Gold-mining Lease or Leases of the land surrendered.

But the lessee may, if he so desires, retain the Mineral Lease on undertaking, to the satisfaction of the Minister, to pay a royalty of Ten Shillings for every ounce of gold recovered from the land comprised therein,

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55 Whenever land leased under this or any former Act for the purpose of mining for coal, shale, slate, freestone, or limestone shall be found to contain any other mineral than those authorised to be mined for under such lease, such land, or such portion thereof as may be required for the purpose of mining such other mineral, shall be deemed to be Crown land, and may be leased under the provisions of this Act for such purpose: Provided such leasing shall not interfere with the lessee in mining for coal, shale, slate, freestone, or limestone, as the case may be.

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—
If land leased for coal, &c., for mining purposes be found to contain any other mineral than that intended to be mined, land may be leased for mining such other mineral.

57 Vict. No. 24,
s. 137 (Tas.).

Gold-mining Lease may be surrendered and Mineral Lease granted in substitution in certain cases.

56—(1.) Where a Gold-mining Lease has been issued, and it is proved to the satisfaction of the Minister that the value of the gold won in any year from the leased land is less than the value of any other marketable metallic products won therefrom in the same period of time, and the lessee is desirous of obtaining a Mineral Lease in lieu of his Gold-mining Lease, the Minister, with the consent of the Governor, may, upon such terms and conditions as he thinks fit, grant, upon surrender of such Gold-mining Lease, to the holder thereof, upon his applying in the prescribed manner, a Mineral Lease of the same land for such period, not exceeding Twenty-one years, as he thinks fit, without requiring the lessee to again mark off the land.

(2.) During the pendency of any such application for a Mineral Lease in substitution for a Gold-mining Lease, the latter lease shall, notwithstanding anything to the contrary in such lease, continue in full force and effect.

Lease to continue during pendency.

57 If the lessee of any Mineral Lease—

- I. Neglects to duly report the discovery of gold: or
- II. Proceeds to mine for gold otherwise than in association or combination with any other mineral, not being lawfully authorised to do so: or
- III. Proceeds to mine for a mineral he is not lawfully authorised to mine for,

the Mineral Lease shall be liable to forfeiture.

Penalty for mining for gold in a Mineral Lease.
Ibid., s. 60 (W.A.).

DIVISION III. — *Miscellaneous Leases.*

58—(1.) The Minister may, with the consent of the Governor, grant to any person, subject to the provisions of this Act and the Regulations, for any period not exceeding Ten years, a lease of the bed and banks, or of the bed or banks, of any river or stream flowing upon or through or bounded by Crown land, for mining purposes.

Lease of bed and banks of river, &c., may be granted.

(2.) The area comprised in any such lease shall not exceed in length Forty chains along the course of any river or stream, nor in breadth Five chains on either side from the centre of any such river or stream.

See 57 Vict. No. 24, s. 87 (Tas.).
64 Vict. No. 61, s. 24 (Tas.).

(3.) The Governor may reduce the limits of any such area as he sees fit, or may refuse to grant a lease of the bed or banks of any river or stream.

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Lease of bed of bay.

Ibid., s. 25.

59 The Minister may, with the consent of the Governor, grant to any person, subject to the provisions of this Act and the Regulations, for any period not exceeding Ten years, a lease of the bed of any bay for mining purposes.

Provided that if the waters of any such bay are under the jurisdiction of any Marine Board no lease shall be issued under this Section unless the consent of such Marine Board has first been obtained thereto.

Scale of rent.

Ibid., s. 26.

60 The amount to be paid by way of rent for any lease issued under either of the Two preceding Sections shall be the sum of Five Shillings per annum for every acre or any part thereof; and every such lease shall be in such form, and to such effect, and shall contain such reservations, conditions, covenants, provisos, and particulars, as shall be prescribed, or with such modifications thereof, or additions thereto, as the circumstances of the case may require, and as the Governor may think proper to be inserted therein.

Riparian rights not to be affected.

Ibid., s. 27.

61 Nothing contained in any such lease shall be construed to in any way affect or prejudice the existing rights of any person to the reasonable use of the water flowing in a natural bed or channel through or along the margin of land owned or occupied by him.

Holders of existing licence to have prior claim to adjoining banks.

Ibid., s. 28.

62 The holder of any licence issued under the authority of Section Eighty-seven of "The Mining Act, 1893," to work for gold or minerals the bed of any river or stream shall, upon the expiration or surrender of such licence, have a preferential right to apply for a lease, under the provisions of Section Fifty-eight of this Act.

DIVISION IV.—*Special Leases.*

Special leases.

63 It shall be lawful for the Governor, upon each House of Parliament of *Tasmania* passing a Resolution assenting thereto, to grant a special lease of Crown land for mining purposes, and the tenure, form, and area of any such lease, and the amount of rent or royalty to be reserved, and the conditions, reservations, and exceptions to be contained in the same, shall be in accordance with the terms of the Resolutions assenting to the special lease; but every such lease shall contain a condition that if the lessee, his executors, administrators, or assigns fail at any time during such tenure to fulfil the conditions and terms therein contained, or to use the land *bond fide* for the purposes for which it is to be demised, the lease shall for any such failure be voidable at the will of the Governor.

DIVISION V.—*Mining on Reserves and Authorised Holdings.*

Power to grant Mining Leases of land in reserves

64 Notwithstanding anything to the contrary in this Act contained, a Mining Lease may be granted under this Act of any land comprised in a reserve or in any authorised holding, and a lease of any such

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land may be applied for in accordance with the provisions of this Act and of the Regulations, subject to the conditions following ; that is to say :—

- i. The lease shall, so far as regards any land comprised in an authorised holding, be deemed to be of the mines under such land only and not of the surface of the land, but the surface may be resumed under such conditions as may be prescribed by this Act or the Regulations :
- ii. The lessee shall not be entitled to disturb the surface of a reserve which is a street or road, or to do any act which will affect or disturb the beneficial enjoyment of the surface :
- iii. In the case of a reserve which is not a street or road, the lessee shall not be entitled to disturb the surface of the reserve or to do any act which will affect or disturb the beneficial enjoyment of the surface, except in either case with the permission of the Minister, and then only upon such part of the reserve and under such conditions as he may prescribe :
- iv. If the lessee does any unauthorised injury to the surface, or does any act affecting or disturbing the beneficial enjoyment of such surface, he shall make compensation to the persons entitled to the surface, or charged with the care and management thereof, for all such damage :
- v. Any claim for compensation must be made within Three months after the right to make the claim has accrued.

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—
and authorised
holdings.
62 Vict. No. 24,
s. 46 (Q.).

65—(1.) Every lease granted under this Division for mining below the surface shall contain and be subject to covenants on the part of the lessee—

- i. Not to mine within such distance of the surface of the land comprised in the lease, not being less than Forty feet, as may, in the opinion of the Minister, endanger the safety of any buildings erected or that may be erected on such surface : and
- ii. To make good any subsidence caused by mining below the surface, and to pay to the person or persons entitled to the same damages for all injury caused by such subsidence.

Covenants by
lessee.
3 Ed. VII. No.
15, s. 62 (W.A.).

(2.) Every such lease shall confer on the lessee only such powers and authorities as can actually or reasonably be exercised at such depth below the surface as shall be specified in the lease.

66 The Minister may, by notice in the *Gazette*, and also in at least One newspaper published in the district nearest to the reserve affected, declare that the whole or any part of the land comprised in a reserve, and not being a street or road, shall be open to be taken up as claims under Miners' Rights.

Reserves taken
up as claims.
62 Vict. No. 24,
s. 47 (Q.).

On and after the day appointed in that behalf by the notice the land shall be open to be so taken up accordingly.

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In any such case the conditions of the last Two preceding Sections relating to leases shall, so far as they are applicable, apply to any claim so taken up, and for that purpose shall be read as if the words "claim" and "claimholder" were used therein instead of the words "lease" and "lessee" respectively.

Objections.
3 Ed. VII. No.
15, s. 63 (W.A.).

67 Any person may object to the granting of a lease under this Part of this Act within the time and in the manner prescribed; and every objection shall be dealt with in the manner provided in Division Six of this Part.

Damages recover-
able in Warden's
Court.
Ibid., s. 64.

68 Any damage sustained by any person in respect of injury done to the surface of any reserve or authorised holding, and which any other person is liable to pay, may be recovered in the Warden's Court.

DIVISION VI.—*Provisions relating to Leases generally.*

Lessee entitled to
renewal of lease.
Cf. 64 Vict. No.
61, s. 46 (Tas.).

69—(1.) Notwithstanding anything contained in any former Act or any lease granted thereunder, any lessee, provided the covenants and conditions of the lease on his part shall have been fulfilled up to the expiration thereof, and upon his applying (in the case of a lease expiring by effluxion of time) within Three months before or One month after the expiration thereof, shall be entitled to a renewal of his lease, upon the expiration thereof, either by effluxion of time or by surrender, for a further period not exceeding the number of years for which such lease might have been granted in the first instance, and subject to the payment of such rent, not exceeding Five times the rent previously paid by such lessee, as the Minister, with the consent of the Governor, shall think fit to impose, and subject in other respects to the Acts and Regulations relating to mining in force at the time of such renewal. In the case of any lease issued as a renewal of a lease at a peppercorn rent, the rent reserved may be any sum not less than the amount of rent which would have been properly reserved if such lease had not been issued at a peppercorn rent, and not exceeding Five times that amount.

(2.) Before the amount of rent to be paid by any lessee upon a renewal of his lease under this Section shall be fixed, the Minister shall appoint a Warden to assess the amount of rent which ought, in his opinion, to be paid by such lessee, and such Warden shall report to the Minister accordingly.

(3.) Such renewal shall be by the issue of a new lease, which shall, subject to the provisions of this Act, entitle the holder thereof to all the same rights, preferences, and priorities as were formerly held by him under such expired lease.

Payment of rent.
64 Vict. No. 61,
s. 33 (Tas.).

70—(1.) The rent for every lease under this or any former Act shall, except as hereinafter mentioned, be payable on the First day of July in every year; and in the event of any such lease expiring on a day other than the First day of July in any year, a proportionate part of

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such rent shall be paid on the First day of *July* immediately preceding the expiration of such lease for the then unexpired portion thereof. A.D. 1905. —

(2.) Upon the Governor's consenting to grant a lease, the Secretary for Mines, or other officer appointed by the Minister for that purpose, shall demand from the applicant the balance of rent (if any) which shall be payable up to the First day of *July* following such consent, or when such consent shall be given in the month of *June* in any year, to the First day of *July* in the following year; and if the applicant shall not pay such balance of rent within One month after the same shall have been demanded, the application for lease may be cancelled by notice published in the *Gazette* under the hand of the Minister.

71 When application is made under this Part of this Act for a lease of any land a part or the whole of which is held by the applicant under a Miner's Right, such interest of the applicant shall not be prejudiced by the application, or the refusal, abandonment, or failure thereof. Effect of application for lease upon land held under Miner's Right. 3 Ed. VII. No. 15, s. 65 (W.A.)

If such lease is granted, the interest of the applicant held under his Miner's Right shall merge in the interest held by him under the lease

72—(1.) Every application for a lease—

- i. Shall be made in the prescribed form :
- ii. Shall be accompanied by a sum equal to a half-year's rent of the land applied for, together with such application and survey fee as may be prescribed :
- iii. Shall be lodged with a Warden or Registrar of Mines, who shall forthwith transmit the same to the Secretary for Mines, or shall be lodged by the applicant with the Secretary for Mines.

Applications for leases—how made. *Ibid.*, s. 66.

(2.) In the event of more than One application being made for a lease of the same land or any part thereof, the applicant who shall have first taken possession of and marked out the land in accordance with the Regulations shall have priority.

73 Upon the applicant paying in advance the rent of the land applied for for such period as may be prescribed, and the prescribed fees, the Secretary for Mines may grant to such applicant permission in writing, in such form as may be prescribed, to erect works on, carry on mining operations upon, and to remove any gold or other minerals from the land applied for; and it shall be lawful for the Secretary for Mines, at any time, to suspend or cancel, by order under his hand, the operation of any such permission. Upon applicant paying rent Secretary for Mines may grant permission to remove minerals. 64 Vict. No. 61, s. 20 (Tas.).

74 The entry upon, occupation of, or interference with any land of which a lease has been applied for, by any person who shall not, prior to such application, have been in the lawful occupation of such land, at any time after the lodging of such application, and unless and until such application is refused, or unless such entry, occupation, or interference is authorised by the Secretary for Mines or a Warden of Mines, shall be deemed a trespass or encroachment. Land applied for protected against other persons. *Vide* 3 Ed. VII. No. 15, s. 68 (W.A.). 62 Vict. No. 24, s. 40 (Q.). 64 Vict. No. 61, s. 208 (Tas.).

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The applicant for the lease may proceed in the Warden's Court for such trespass or encroachment, and for damages in respect thereof, and for the recovery of any gold or mineral taken by the person so trespassing or encroaching from the land, or the value thereof; but any gold, or the value thereof, so recovered shall be held by the Warden pending the application for the lease, and if the lease is refused may be claimed by the Minister.

Provided that no applicant shall succeed under such procedure who fails to prove to the satisfaction of the Warden that he has complied with the Regulations applicable to the class of lease applied for, so far as such Regulations at the time of such entry, occupation, or interference were capable of being complied with.

Provided also, that an entry for the purpose only of marking out and posting notices upon the land shall not be deemed a trespass under this Section.

Warden may hear objections to granting of lease.
54 Vict. No. 1120, s. 66 (V.).

75 It shall be part of the duties of the Wardens appointed under this Act, so far as they are required by the Regulations so to do, to hear, receive, and examine evidence in relation to the application for any lease or licence and the objections thereto, and in all other respects to perform the several duties prescribed for their performance by the Regulations.

Objections.
3 Ed. VII. No. 15, s. 70 (W.A.).

76 Any person who, within the prescribed time and in the prescribed manner, shall lodge with a Warden or Registrar of Mines notice of objection, may be heard in opposition to an application.

Evidence.
Ibid., s. 72.

77 The Warden shall take such evidence on oath as may be tendered by the applicant and by any objector, and may, if he thinks fit, take the evidence of any other person.

Warden may adjourn hearing and direct inspection of land.

Ibid., s. 73.

Warden to report.
Ibid., s. 74.

78 The Warden may from time to time adjourn the hearing, and may direct an inspection of the land and a report to be made by any person appointed by him.

79 Subject as aforesaid the Warden shall, as soon as practicable after the hearing, transmit to the Minister, for his consideration, the application and notices of objection, with the notes of evidence and the plans and other documents referred to therein, and his report recommending the granting or refusal of the lease.

The granting of all leases at discretion of Governor.
3 Ed. VII. No. 15, s. 75.

80—(1.) The granting of a lease shall be in the absolute discretion of the Governor, notwithstanding that the applicant may or may not have in all respects complied with the provisions of this Act and the Regulations.

(2.) No lease granted before the commencement of this Act shall be prejudiced or affected by any non-compliance, prior to the granting thereof, with the provisions of any Act or Regulations in force at the time such lease was applied for.

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81 Every Gold-mining Lease or Mineral Lease granted after the commencement of this Act shall be in such form and to such effect as shall be prescribed, and shall contain and be subject to the following covenants by the lessee, and conditions; that is to say:—

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Form and conditions of lease.

- I. A covenant to pay the rent and royalty (if any) reserved by such lease as and when the same shall become due:
- II. A covenant to use the land *bond fide* exclusively for the purposes for which it is demised, and in accordance with the Regulations:
- III. A covenant to expend, in relation to the demised land, in wages to persons employed thereon, or in the purchase, erection, and maintenance of mining machinery and other mining requisites, or in the erection, construction, or maintenance of works for mining, or otherwise in carrying on mining operations on the land demised or in connection therewith, whether preliminary or developmental—
 - (a) In the case of a lease to mine for gold, a sum of at least Ten Pounds per acre of the land demised, in each period of Twelve months of the term granted by the lease:
 - (b) In the case of a lease to mine for minerals other than gold, a sum of at least Two Pounds per acre of the land demised in each period of Twelve months of the term granted by the lease:
- IV. A proviso that, subject to such Regulations as the Governor may prescribe, and for the purpose of compliance with the lessee's covenant as to expenditure of money mentioned in the preceding paragraph III., any work done by the lessee himself or by any tributers—
 - (a) In carrying on mining operations: or
 - (b) In the construction or erection of machinery: or
 - (c) In preparations indispensable to the actual commencement of mining operations: or
 - (d) In constructing or making any tramway or road as a means of access to the land demised to the lessee:

whether any such work is done on or in connection with the demised land itself, or on or in connection with any special site or race, dam, or easement held or used by the lessee for the purpose of facilitating mining operations on or in connection with the demised land, shall to the amount of the value of such work, and upon the lessee satisfying a Warden of Mines as to such value, be deemed equivalent to the expenditure of money:
- V. A condition for forfeiture of the lease on commission of a breach by the lessee of the said covenants I., II., and III., or any of them:
- VI. A proviso that the Governor may, in his discretion, upon any breach of covenant by the lessee for which his lease is

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liable to forfeiture, impose a fine not exceeding Five hundred Pounds as an alternative to the forfeiture of the lease :

vii. Such other covenants and conditions as the Minister shall think fit: Provided that the lease shall not be forfeited for the breach of any such covenant or condition.

Registration and
issue of lease.
Ibid., s. 80
(W.A.).

82 Every lease shall be by deed, and shall be in duplicate, one of which shall be executed by the Minister, and one by the lessee; and the latter shall be registered in the Department of Mines at *Hobart*.

Lease may be
transferred.
Cf. 64 Vict. No.
61 (Tas.), s. 35.

83—(1.) A lessee may, upon payment of the proper amount of stamp duty and the prescribed fees, transfer or assign his lease to any other person, who shall for all purposes be deemed to be the lessee of the land described in such lease. Such transfer or assignment shall be by deed, in such form as may be prescribed, and shall be deposited in the office of the Secretary for Mines, who shall endorse upon the lease, upon its being produced to him, a memorandum of such transfer or assignment; and no transfer or assignment shall be binding on the Minister until it has been deposited in the said Office, and such memorandum endorsed upon such lease.

(2.) The production of the lease, with such memorandum endorsed thereon, purporting to be signed by the Secretary for Mines, shall in all Courts and for all purposes be *prima facie* evidence of the truth of the matters therein contained.

Permit to erect
church, &c.
Ibid., s. 85 (W.A.).

84 A lessee may, with the approval in writing of the Minister, erect or permit to be erected on the land demised a church or public building, and, with the like approval, permit any person to carry on the business of an eating-house keeper for the use and convenience of the men employed on the lease.

Amalgamation of
claims and consoli-
dation of leases.
64 Vict. No. 61,
s. 37 (Tas.).

85—(1.) In any case in which it is made to appear to the satisfaction of the Minister that greater facilities for the working of adjoining claims for which applications for leases have been made would be ensured by the issue of One lease for the whole of the said claims, or where lessees shall apply to surrender any leases of lands contiguous to each other in order to have a new lease granted to them or their assigns, of the whole of the lands included in their respective leases, it shall be lawful for the Minister, subject as herein mentioned, to authorise the grant of One lease for the whole of the said claims, or to grant such application for a new lease or some modification thereof, and to fix the term of the new lease, or refuse the same, as may appear expedient.

(2.) Where a new lease is granted in lieu of leases which have been surrendered, such new lease shall be for a term not exceeding the number of years for which the surrendered leases might have been granted in the first instance.

(3.) Every such consolidated lease shall be granted upon payment of such fee for each claim included therein as may be prescribed, and shall

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be subject to the provisions of this Act, and the lessee shall be entitled to all the rights, easements, and privileges of the original lessees, but so far only as the same are incident or appurtenant to the original claims included in such consolidated lease respectively. A.D. 1905.

86—(1.) Where any person holds several contiguous parcels of land under Mining Leases, which might be included in a consolidated lease, the same may be worked in conjunction as an amalgamated lease, and of such amalgamation the Secretary for Mines shall, upon application by the lessee in the prescribed form and payment of the prescribed fee, give a certificate in the prescribed form, and particulars of such amalgamation shall be registered in the Department of Mines at Hobart; and such amalgamation shall continue for Twelve months from the date of such certificate, or for such other period as shall be stated in such certificate: Provided that the parcels of land so to be amalgamated shall be held under leases to mine for the same kind of metal or mineral; and provided that where the parcels of land so to be amalgamated are held for the purpose of mining for gold, the area to be worked in conjunction shall not exceed in the whole One hundred acres; and where the parcels of land so to be amalgamated are held for the purpose of mining for minerals other than coal, or for gold in association or combination with other minerals, the area to be worked in conjunction shall not exceed in the whole Three hundred acres. Amalgamation of leases.

(2.) From and after the grant of any such certificate of amalgamation, and during the period of such amalgamation, the amount of money to be expended and the conditions to be performed and observed with respect to such leases severally shall be deemed for all purposes to have been so expended, performed, or observed, as the case may be, if the same shall have been expended, performed, or observed upon or in respect of One only of such parcels of land included in any such lease: Provided always that nothing herein contained shall be construed as waiving or dispensing with the payment of rent in respect of all the leases so amalgamated as aforesaid: Provided also that the amount of money to be expended upon the land included in such amalgamated leases shall not be less than the total aggregate expenditure required if such leases were not amalgamated. Effect of amalgamation.

87—(1.) Any amalgamation of leases may be cancelled by the Secretary for Mines— Cancellation of amalgamation.
3 Ed. VII. No. 15, s. 89.

- i. At the request of the lessee: or
- ii. On the transfer, surrender, or forfeiture of any lease included in the amalgamation.

88 Total or partial exemption from covenants contained in any Mining Lease as to expenditure of money in relation to the demised land may be granted by a Warden of Mines, on conditions to be prescribed by Regulation. A grant of exemption from any such covenant in relation to any demised land shall be deemed a waiver of Exemption.
Cf. 62 Vict. No. 24 (Q.), s. 29.

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the right of His Majesty or the Minister to enforce the forfeiture of the lease of such land for breach of any such covenant committed before such grant of exemption.

Exemption as of
right.
Cf. 64 Vict. No.
61 (Tas.), s. 42.

89 If a lessee shall satisfy a Warden—

i. That he has expended money on the demised land in the manner required by his covenant in that behalf in excess of the amount required by the said covenant; and

ii. That there are also reasonable grounds for applying for exemption,

he shall be entitled to exemption from the said covenant for Six months for every such excess of expenditure as shall equal One year's expenditure required under the covenant. And the Warden may from time to time grant successive terms of Six months' exemption each, not exceeding Three years in the aggregate.

This Section shall not be construed to take away any of the rights of lessees under leases existing before the commencement of this Act.

Declaration of
forfeiture of lease.
3 Edw. VII. No.
15, s. 97 (W.A.).

90 In case any lease shall be liable to voidance, cancellation, or forfeiture for breach of covenant or otherwise, the Governor may, on the application of the Minister, subject to the provisions of this Act, declare such lease void, and upon publication in the *Gazette* of notice under the hand of the Minister of such declaration all the estate and interest in the lease of the lessee and any person claiming under him shall cease and determine; and the production of the *Gazette* containing a notice as aforesaid shall be *prima facie* evidence in all Courts of a breach of covenant by the lessee or other cause sufficient to authorise such declaration, and that all the estate and interest in the lease of the lessee and any person claiming under him have been lawfully determined by re-entry.

Provided that the Governor may, for any cause which he may deem sufficient, by any subsequent notice in the *Gazette*, cancel any notice of voidance, cancellation, or forfeiture, and reinstate the lessee as of his former estate, and on any terms and conditions as regards the lessee and any person who, since the forfeiture, may have been in lawful possession of the land or any part thereof, or anything lawfully done or suffered since the forfeiture, as to the Governor may seem fit.

Return to be fur-
nished as to
expenditure and
labour.
4 Edw. VII. No.
1961, s. 19 (Vic.).

91—(1.) Every lessee shall in every year ending the Thirtieth day of *June* furnish to the Secretary for Mines a statement verified by a statutory declaration, showing with regard to the land held by the lessee under lease—

- i. The average number of men that have been employed :
- ii. The amount of money expended in wages :
- iii. The amount spent in purchase, erection, and maintenance of mining machinery and other mining requisites :
- iv. The amount spent in the erection, construction, or maintenance of works for mining : and

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v. Any sums otherwise expended in carrying on mining operations on the land demised or in connection therewith, whether preliminary or developmental, A.D. 1905.

during the year so ending on the thirtieth day of *June*.

(2.) If within Two clear months of the expiration of each year such statement verified as aforesaid is not furnished as aforesaid, or if when furnished it does not contain the particulars required to be shown therein, the lessee or person making default shall be guilty of an offence against this Act, and on conviction before a Court of Petty Sessions shall be liable to a penalty not exceeding Ten Pounds, and if such statement verified as aforesaid by statutory declaration be not furnished within One month after such fine has been imposed, then the lessee or person making such further default shall be guilty of an offence against this Act, and on conviction before a Court of Petty Sessions shall be liable to a penalty of Five Pounds for each day during which such default continues.

(3.) The following persons shall be liable to furnish the statutory declaration required under this Section :—

- i. If the lessee be a company incorporated and registered in the State of *Tasmania*, the legal manager for the time being of such company :
- ii. If the lessee be a company formed or incorporated in any country or State other than the State of *Tasmania*, then the public or principal officer of such company :
- iii. If in either of the foregoing cases the lessee company has no legal manager or public or principal officer (as the case may be), then the person who in the opinion of the Minister appears to have charge of the mine or of the mining operations upon the leased land.

(4.) The Secretary for Mines may, in his discretion, upon the application of any lessee, fix instead of the Thirtieth day of *June*, some date in each year at which the lessee usually balances his accounts, and which date is nearest to the Thirtieth day of *June*, and may accept as a compliance with the provisions of this Section the verified statement of the lessee referred to in Sub-section (1.), for the year ending on the date so fixed ; provided the lessee furnishes such verified statement within such time as the Secretary for Mines specifies.

(5.) A certificate purporting to be under the hand of the Secretary for Mines that such declaration has not been furnished to him by the person liable to furnish the same, or that the declarations attached thereto are the only declarations that have been furnished to him, shall be *prima facie* evidence in all proceedings of the truth of the facts therein stated.

Breach of Covenants to Expend Money or Employ Labour.

92—(1.) For the purpose of carrying out the provisions of Sections Ninety-two to Ninety-seven, both inclusive, of this Act, the Governor shall appoint a Board (hereinafter referred to as “the Board”) of Three members to exercise and discharge the powers and duties hereinafter mentioned.

Governor to
appoint a Board.

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(2.) Members shall hold office for Twelve months from the date of appointment, and shall be eligible for re-appointment.

(3.) Any Two members shall form a quorum, and may exercise all the powers and duties of the Board.

(4.) When Two members only are present any matter upon which there shall be a difference of opinion shall be postponed for consideration by a full Board.

(5.) All proceedings before the Board shall be conducted in such manner as the Board shall think fit, and no rules of evidence shall necessarily be observed.

(6.) The reasonable travelling expenses of each member of the Board in going to, attending at, and returning from meetings of the Board, and also such remuneration for his services as may be approved by the Governor, shall, from time to time, be paid to him out of the Consolidated Revenue Fund of the State on the Warrant of the Governor.

(7.) The Governor may, from time to time, make, alter, and repeal Regulations—

- i. Prescribing how vacancies in the Board shall be filled :
- ii. Fixing the remuneration and travelling expenses that shall be payable to members of the Board :
- iii. Providing for the appointment of a deputy to act for a member of the Board :
- iv. Generally for carrying out and giving force and effect to the provisions of Sections Ninety-two to Ninety-seven inclusive of this Act.

Where breach of covenant for expenditure of money of lease, any person may apply for inquiry. Schedule.

See Vic. Act, 1897.

Security for costs in application for forfeiture.

Ibid. (Vic.), s. 4.

4 Ed. VII. No. 1961, s. 2.

93—(1.) If the lessee of any land does not comply with the covenant of his lease with regard to the expenditure of money, it shall be lawful for any person to apply to a Warden in the form set out in the Fifth Schedule to this Act or to the like effect.

(2.) If such application be made and the person so applying lodges with or forwards to the Warden or Registrar of Mines as security for costs the sum of Five Pounds, or in the case of such an application with respect to a lease of land upon which machinery of a value of at least Two hundred Pounds is standing, the sum of Ten Pounds, the Warden shall hold a public inquiry concerning the alleged breach. The Warden may before or at the holding of such inquiry require or allow the applicant who has lodged or forwarded Five Pounds as security for costs as aforesaid to lodge forthwith a further deposit of Five Pounds if such Warden shall be of opinion that such further sum of Five Pounds should have been lodged or forwarded.

Warden to hold inquiry, and report to Board.

Subpoenas.

Ibid. (Vic.), s. 32.

94—(1.) The Warden shall give to the parties such notice to attend at the inquiry as he thinks necessary, and on failure of either party to attend thereat he may proceed *ex parte*. In case the lessee be dead or cannot be found, notice in the *Gazette* shall be sufficient.

(2.) Any of the parties may obtain at the office of the clerk of the Warden summonses to witnesses to be served at the option of the party, either by himself or his agent, with or without a clause requiring the

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production of books, deeds, papers, and writings in their possession or under their control. The clerk may sign the summonses, and any person so summoned who without sufficient cause refuses or objects to appear according to the tenor of such summons, or who having so appeared refuses to be sworn or to give evidence or to produce any books or documents as aforesaid, shall on conviction thereof before a Court of Petty Sessions be liable to a penalty not exceeding Ten Pounds. A.D. 1905.

(3.) On such inquiry the Warden shall hear and examine the parties and their witnesses on oath and shall reduce their evidence to writing, and shall forward the same, together with a report and recommendation thereon, to the Secretary for Mines for transmission to the Board, who shall determine the matters so referred to them, and if the Warden is of opinion that there has been a breach of the covenant with regard to the expenditure of money, without reasonable cause, he may recommend that the lease be declared void. Report and recommendation of Warden.

(4.) The Warden may order that such costs shall be paid by the lessee to the applicant as in the circumstances of the case he may deem sufficient, but not exceeding in amount the sum lodged or forwarded by the applicant as security for costs. Such costs shall not be payable in the event of the Board refusing to carry out the recommendation of the Warden, unless the Board approve of such order for costs. All costs so directed to be paid shall be recoverable as if they were costs ordered to be paid by the Warden's Court. Costs of applicant.

(5.) The Warden may, if he thinks fit, allow to the Lessee costs not exceeding the amount of the deposit made by the person or persons so applying as aforesaid. Provided that such costs shall not be payable unless the application be refused by the Board or withdrawn. Mode of recovery of costs.

(6.) The Board may, if they think fit, refer the written evidence and the report and recommendation of the Warden back to the Warden, with directions to hold a further hearing concerning the alleged breach. The provisions of this Section shall apply to the mode of conducting such further hearing. Lessee's costs on withdrawal of application.

95—(1.) The Warden shall make known his recommendation to the parties, and if either party is dissatisfied with such recommendation he may, within Ten days after such recommendation is made known by the Warden, make a written appeal to the Board, who may, if they think fit, hold a further public hearing at some place and time to be fixed by them, and of which notice shall be given by them to the parties interested respectively. Power to direct further inquiry.

(2.) The mode of conducting such public hearing shall be in the discretion of the Board, who are hereby empowered to hear, receive, and examine evidence on oath in the matter of the complaint.

96 Where no such appeal is made within the time aforesaid, then after considering the Warden's report and recommendation, or where an appeal has been made and a public hearing held, then after considering the evidence thereat, the Board, if they are of opinion that Appeal from Warden to Board.
61 Vict. No. 1514,
s. 33 (Vic.).

Board to determine breach of labour covenant.
Ibid., s. 34,

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a breach of the covenant with regard to the expenditure of money has been committed without reasonable cause, shall determine the matter, and their decision shall be final.

Proceedings by
the Board
thereon.
1 Ed. VII. No.
15, s. 104 (W.A.).

97 The Board may, as in their discretion they think fit--

- i. Declare the lease forfeited :
- ii. Impose a fine not exceeding Five hundred Pounds as an alternative to forfeiture, and award the whole or any part of the fine to the applicant :
- iii. Determine not to forfeit the lease or impose any fine :

And the determination of the Board shall be published in the *Gazette*.

Procedure in case
of forfeiture.
Ibid., s. 105.

98 The Governor may, in his discretion, on the forfeiture of any Mining Lease—

- i. Grant to the applicant the prior right to the exclusion of all other persons for Fourteen days next after the day on which notice of forfeiture is published as hereinafter provided, to take possession and apply for a lease of the whole or any part of the land, or to occupy the same as a claim : or
- ii. Reserve the land comprised in the lease, or direct the same to be leased by auction or public tender : and
- iii. Where the land is leased by auction or public tender, direct any reasonable expenses incurred by the applicant in relation to the application for forfeiture to be paid to him.

Ibid., s. 105.

Notice to be pub-
lished.
Ibid., s. 106.

99 The determination of the Governor under the last preceding Section shall be published in the *Gazette*.

Exemption in case
of strikes.
Ibid., s. 107.

100 No lease shall be forfeited on the ground that the conditions relative to expenditure of money have not been complied with, if the lessee satisfies the Warden that he has been unable to comply with such conditions in consequence of a strike.

Cf. 64 Vict. No.
61, s. 45 (Tas.).

Removal of plant,
&c.
3 Ed. VII. No. 15,
s. 108 (W.A.).
61 Vict. No. 1514,
s. 38 (Vic.).

101 Whenever, after the commencement of this Act, a lease is surrendered (otherwise than for the purpose of obtaining a new lease), or expires through effluxion of time or is forfeited or declared void, the lessee or any other person entitled to any plant, machinery, engines, or tools herein mentioned, shall, within Six months thereafter, remove any plant; machinery, engines, or tools on or within the land comprised in such lease ; but he shall not remove or destroy any timber used in or for supporting shafts, drives, galleries, and adits in the mine, or any plant, machinery, engines, or tools, purchased by the new lessee. If such plant, machinery, engines, or tools are not removed within such period of Six months they shall vest in His Majesty : Provided that the Governor may allow such lessee to remove the same within such further period of time as he thinks fit.

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102 When any Mining Lease is surrendered or expires through effluxion of time, or is forfeited or declared void, and the lessee leaves upon the land comprised in the lease any tailings or other mining material, and does not, within Six months from such surrender, expiration, forfeiture, or voidance, or such extended time as the Minister may, under special circumstances, allow, either remove or *bond fide* treat, and afterwards with all reasonable despatch continue to treat such tailings or other mining material, then at the expiration of Six months, or such extended time as aforesaid, such tailings or other mining material shall become the absolute property of the Crown.

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Ownership of tailings after lease declared void.
Ibid. (W.A.), s. 109.

Provided that this Section shall not apply to any surrender made to obtain a new lease.

Provided also that the Minister shall, upon the written application of the lessee, fix a sum to be paid by the lessee by way of rental, for such period as the Minister may think fit, for the surface of the land actually occupied by such tailings or other mining material; and so long as the said lessee shall make due payment of the rent so fixed, the preceding provisions of this Section shall not apply.

103 The Minister may, with the consent of the Governor, grant to any person, subject to the provisions of this Act and the Regulations, a licence or licences in respect of any such tailings or other mining material.

Licences may be granted in respect of such tailings.
Ibid., s. 110.

- i. Such licence or licences shall confer upon the licensee the right to remove such tailings or other mining material from, or to treat the same upon, the land on which such tailings or other mining material are or is situated:
- ii. Notwithstanding the granting of any such licence the Governor may grant Gold-mining or Mineral Leases of the land on which such tailings or other mining material are situated as effectually as if such licence had not been granted, subject only to the rights of the licensee under any such licence.

104 A lessee may, with the approval of the Minister, and subject to the Regulations, discharge water from the land comprised in his lease over any adjacent land through any natural channel, and shall permit any water lawfully discharged from any adjacent land to flow over the land comprised in his lease through any natural channel, and no person shall obstruct any such flow of water.

Discharge of water.
Ibid., s. 112.

105 A lessee or licensee may at any time, with the consent of the Governor, and subject to the Regulations, surrender his lease or licence.

Surrender of Mining Lease.
Ibid., s. 113.

106 It shall not be necessary for an applicant for or holder of a lease to be the holder of a Miner's Right.

A lessee need not hold a Miner's Right.
Ibid., s. 114.

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PART V.

WATER RIGHTS, TIMBER RIGHTS, AND EASEMENTS.

Interpretation :
"Crown lands."

107 In this part of this Act "Crown lands" or "Crown land" includes lands of the Crown subject to any lease or licence for mining purposes or relating to mining, granted under this or any former Act, or applied for under an application for any such lease or licence, or lands of the Crown held by virtue of a Miner's Right, Consolidated Miner's Right, or Prospector's Licence.

Water Rights.

Grant of Water
Rights.
64 Vict. No. 61,
s. 49 (Tas.).
57 Vict. No. 24,
s. 49 (Tas.).

108 The Minister may, with the consent of the Governor, grant to any person for such term as may be prescribed, not exceeding Twenty-one years, subject to the provisions of this Act and the Regulations, a licence (in this Act called a Water Right), which shall authorise such person, his executors, administrators, and assigns (except as against His Majesty), for the more convenient and advantageous working and enjoyment of any land occupied by him or them for mining purposes, other than land held by virtue of a Prospector's Licence.

To take or divert water which His Majesty may lawfully take and divert from any spring, lake, pool, or stream situate or flowing upon, or through, or bounded by, any Crown lands, in such manner as shall be prescribed by such Water Right and Regulations, in order to supply water for mining and domestic purposes to such person.

Any person to whom any such Water Right is granted may take or divert such water; and for that purpose may cut, construct, and use races, drains, dams, and reservoirs through and upon any Crown lands, and from time to time may deepen, widen, cleanse, repair, or otherwise improve any race, drain, dam, or reservoir cut or constructed through or upon any Crown lands; and such Water Right, and the property and interest in any race, drain, dam, or reservoir cut or constructed by virtue thereof, shall be deemed to be a chattel interest.

Provided that nothing herein contained shall be construed to affect or prejudice the existing rights of any person to the reasonable use of the water flowing in a natural bed or channel through or along the margin of land belonging to or occupied by him, or naturally deposited within such land.

Provided further that the Governor may, subject to Regulations to be prescribed, allow One or more Water Rights and One or more Water-races to be vested in any person or persons, in the prescribed manner, in trust for any Two or more lessees who desire to use such right or rights or race or races in common for mining purposes.

Governor empowered to exempt water from operation of the said Act.
Ibid., s. 50.

109 It shall be lawful for the Governor, by notice published in the *Gazette*, to exempt from the operation of this Act any water which His Majesty may lawfully take and divert from any spring, lake, pool, or stream situate or flowing upon, or through, or bounded by, any Crown lands.

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Grant of Mining
Easements.
Ibid., s. 51.

110 The Minister may, with the consent of the Governor, grant to any person for such term as may be prescribed, not exceeding Twenty-one years, subject to the provisions of this Act and to the Regulations, a licence (in this Act called a Mining Easement), which shall authorise such person, his executors, administrators, and assigns (except as against His Majesty), for the more convenient and advantageous working and enjoyment of the land occupied by him or them for mining purposes, to cut, excavate, sink, erect, build, make or construct, occupy, and use dam-sites, drains, tailraces, sludge-channels, tunnels, shafts, buildings, tramways, roads, wires, poles, tailings areas, mullock-tips, dump-sites, or other facilities or works for mining purposes as he or they require, in, through, and upon any Crown lands, and from time to time to repair, improve, or alter any such works; and such Mining Easement, and the property and interest in any works made or constructed by virtue thereof, shall be deemed to be a chattel interest.

Provided that nothing herein contained shall be construed to affect or prejudice the existing rights of any person to the reasonable use of any Mining Easements, or to the reasonably convenient and efficient working of the ground belonging to or occupied by him.

Provided that it shall be lawful for the Minister to grant to any person who occupies any land, other than Crown land, for mining purposes a Mining Easement in accordance with the provisions of this Section.

111 Every Water Right or Mining Easement shall be in such form, and be granted subject to the payment of such rent, and be subject to such conditions, and be liable to forfeiture in such manner, as may be prescribed, and the rent in the case of a Mining Easement shall not exceed the sum of Five Shillings per acre per annum in respect of any land licensed to be occupied thereunder.

Form, &c., of
Water Right and
Mining Easement.
Ibid., s. 52.

112—(1.) The Minister may, with the consent of the Governor, grant, subject to the provisions of this Act and the Regulations, to any person for any term not exceeding Twenty-one years, a licence (in this Act called a Machinery Site Licence), which shall authorise such person, his executors, administrators, and assigns (except as against His Majesty), to occupy and use a site not exceeding Ten acres in extent, upon any Crown lands as defined by this Act or any lands of the Crown demised or held for mining purposes by virtue of this or any former Act, for the purpose of erecting thereon machinery, smelting works, furnaces, workmen's houses, crushing mills, mine buildings or plant, sheds, buildings, or other works, with liberty to carry on all works in connection therewith for the treatment and winning of gold and other minerals.

Machinery Site
Licence.
64 Vict. No. 61,
s. 29 (Tas.).

(2.) The granting of a licence for a machinery site on land already demised shall not preclude the lessee of such land from mining thereunder below a depth of Fifty feet pursuant to his lease.

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Person desiring
to take water
from or construct
works, &c.,
through private
land to give
notice.

64 Vict. No. 61,
s. 53 (Tas.).
57 Vict. No. 24,
s. 54 (Tas.).

(3.) Every licence for a machinery site shall be in such form as may be prescribed, and there shall be reserved therein an annual rental of Five Shillings per acre; and every such licence shall be liable to forfeiture in such manner as may be prescribed.

113—(1.) Subject to the provisions of this Act, and the Regulations, it shall be lawful for any person, for the more convenient and advantageous working and enjoyment of the land, whether Crown land or private property, occupied by him for mining purposes, other than land held by virtue of a Prospector's Licence—

- I. To take water from any stream flowing by or through any private land, or from any natural lake bounded thereby:
- II. To construct any race through or upon any private land:
- III. To cut, excavate, sink, erect, build, make, construct, occupy, and use, dam-sites, drains, tailraces, sludge-channels, tunnels, shafts, buildings, tramways, roads, wires, poles, tailings-areas, mullock-tips, dump-sites, and other facilities or works as he may require in, through, and upon any private land:
- IV. From time to time to alter any such work.

(2.) Whenever any person desires to take water or construct any work, or otherwise to exercise any of the powers conferred by the last preceding Sub-section, he shall serve upon the owner or occupier of such land notice of his intention so to do, and such notice shall describe the mode in which such water is proposed to be taken or such work is to be constructed, or such power is to be exercised, and such notice shall be in such form and contain such particulars as may be prescribed.

(3.) Any such person may, for the purpose merely of surveying and taking levels, after giving not less than Twenty-four hours' nor more than Seven days' notice, enter upon such private land without the previous consent of such owner or occupier.

(4.) Any such person may, for the purpose merely of maintaining or repairing any such work, enter upon such private land without the previous consent of such owner or occupier: Provided that notice be given to the owner or occupier either before or immediately after such entry.

Compensation
to be paid.
Ibid., s. 54.
Ibid., s. 55.

114 Before any water is taken from any stream flowing by or through any private land, or from any natural lake bounded thereby, or any such works or powers as are authorised by Sub-section One of Section One hundred and thirteen of this Act are constructed or exercised through or upon any private land, the owner or occupier thereof shall be entitled to such compensation for any injury or damage which may be caused by taking such water, or by the construction of such works, or the exercise of such powers, as shall be determined by agreement between the parties, and such compensation shall be paid to such owner or occupier by the parties taking such water, constructing such works, or exercising such powers, before they take, construct, or exercise the same respectively; and if such compensation shall not be fixed by

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agreement within One month after the service of the notice required by the last preceding Section, then either party may, upon a plaint in that behalf, have the amount determined in the Warden's Court. A.D. 1905.

115 It shall be lawful for a Warden, upon the application of any person interested, from time to time, to order and determine the mode and direction in which water shall be conveyed through, over, or across any land, or the mode and direction in which any work, or the mode in which any power authorised by Sub-section One of Section One hundred and thirteen of this Act shall be carried, constructed, or exercised through or upon any land, so as to cause as little interference as the Warden deems practicable with the profitable working of such land, and every such order may be rescinded or varied as the Warden thinks fit, upon the application of either party. Warden to determine mode and direction. *Ibid.*, s. 55. *Ibid.*, s. 56.

116 In any case where the Governor is satisfied that the water diverted or used under any water right is required for any public use or purpose, he may revoke or cancel such water right and cause such water to be restored to its natural channel, and the holder of the water right so revoked shall be entitled to full compensation from His Majesty for all loss or damage thereby sustained, and the amount of such compensation shall, in default of agreement, be determined by arbitration. The Minister and the holder of the water right shall be deemed parties to a submission to such arbitration. Governor may revoke Water Right. 64 Vict. No. 61, s. 56 (Tas.).

117—(1.) The holder of any licence, provided the covenants and conditions of the licence shall have been fulfilled up to the expiration thereof and upon his applying therefor (and in the case of a licence expiring by effluxion of time, within Three months before or One month after the expiration thereof), shall be entitled to a renewal of his licence upon the expiration thereof, either by effluxion of time or by surrender, for a further period not exceeding the number of years for which such licence might have been granted in the first instance, subject to the Acts and Regulations relating to mining in force at the time of such renewal. Licensee entitled to renewal of licence. *Ibid.*, s. 57.

(2.) And such renewal shall be by the issue of a new licence, which shall, subject to the provisions of this Act, entitle the holder thereof to all the same rights, preferences, and priorities as were formerly held by him under such expired licence.

Tailings Areas and Easements on and over Private Land.

118 It shall be lawful for the holder of any lease granted under the provisions of this Act or any former Act to serve upon the owner or occupier of any private land a notice in writing that the person giving such notice is desirous of occupying any portion of the said land as a tailings area or a machinery site, or for constructing thereon any tramway, or tail-race, or sludge-channel, or reservoir, or other similar work to be used in connection with such mining operations as aforesaid, carried on by such person under the provisions of any such lease as Tailings area, &c. *Ibid.*, s. 66. *Ibid.*, s. 67.

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aforesaid; and such person shall, upon the service of such notice as aforesaid upon the owner or occupier of the said land, subject to the provisions and terms hereinafter mentioned, be entitled to obtain possession of and occupy for any of the purposes aforesaid in connection with such mining operations as aforesaid during the continuance of the lease under which such mining operations as aforesaid are being carried on, the portion of land described in such notice as aforesaid: Provided that the land described in any such notice as aforesaid shall not in any case exceed Thirty acres in area.

Warden to
determine area
and position of
land.

Ibid., s. 67.*Ibid.*, s. 68.

119 It shall be lawful for a Warden, upon the application of any person interested in any land to be occupied under the provisions of the immediately-preceding Section, from time to time to determine in a summary manner any dispute that may arise between any such person and the person desirous of occupying any such land as to the right of such person as last aforesaid to occupy such land under the provisions of this Part of this Act; and the Warden shall in every case have power to determine the area of land reasonably required in respect of any lease held by the person desirous of occupying such land under this Part of this Act, and the position thereof in regard to any adjacent land which any person may be desirous of occupying under this Part of this Act; and it shall be lawful for the Warden to authorise or order such alteration or deviation in the area or position of any such land as he may think fit for the protection of the rights of the occupier or owner of such land; and every such order may from time to time be rescinded or varied as the Warden thinks fit, upon the application of either party.

Mode of procedure
to obtain possession
of a tailings
area, &c.

Ibid., s. 68.*Ibid.*, s. 69.

120 Before any land described in any such notice as aforesaid shall be occupied for any of the purposes aforesaid under this Part of this Act, the owner and occupier shall respectively be paid such compensation for the loss of the use and occupation of such land as shall be determined by agreement between the parties; and if such compensation shall not be fixed by agreement between the parties within One month after service of such notice as aforesaid, then either party may, upon a plaint in that behalf, have the amount of compensation determined in the Warden's Court.

Timber Rights.

Holder of mining
lease to mark off
timber reserve.
64 Vict. No. 61,
s. 126 (Tas.).

121—(1.) The holder of any mining lease shall be entitled, within One year after the passing of this Act, or within One year after the date of such lease, provided that any existing licences granted under *The Crown Lands Act* are not interfered with, to select and mark off, in such manner as may be prescribed, such portion of the land held under any such mining lease as he may require as a timber reserve.

(2.) Any such timber reserve shall not exceed in area One-half of the land held under any such mining lease, and shall be called the "Lessee's Timber Reserve," and the holder of such lease shall have the sole right to all or any of the timber, whether live or dead, on any

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such timber reserve as shall be required for working the mines comprised in such mining lease or for the domestic purposes of those engaged in working thereon, but subject to the rights of the Commissioner of Crown Lands and any person or company to take and use timber from Crown lands for any purpose authorised by Parliament.

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122 Any person not duly authorised in that behalf who shall wilfully cut, destroy, or remove any timber on or from any lessee's timber reserve shall, upon conviction, be liable to a penalty not exceeding Five Pounds, together with the value of any damage done to such timber reserve.

Penalty for cutting timber on reserve.
Ibid., 127.

123 It shall be lawful for the Commissioner of Crown Lands to grant to any person a licence to enter upon such portion of any land held under any mining lease as is not included in any lessee's timber reserve, and to fell and remove any timber growing thereon; any such licence shall be subject to such terms and conditions as may be prescribed by "The Crown Lands Act, 1903," or any Regulations issued hereunder, or under this Act.

Licences may be granted to cut timber on leased land not included in reserve.
Ibid., 128.

PART VI.**MINING OPERATIONS.****(1.) *Mining under Roads, &c.***

124 For the purposes of the next Two Sections the expression "Trustees" means the Trustees of a Road District, or a Main Road District Board, or a Town Board, or, where there is no Road District or Main Road District Board or Town Board, then the persons or body of persons having the care and management of roads, and where there are no such persons or body of persons, then the Commissioner of Main Roads.

Meaning of "Trustees" in next Two Sections.
64 Vict. No. 61 (Tas.), s. 58.

125 The holder of a lease under this Act or any former Act may mine upon or under any road, provided that he obtains permission in writing from the Trustees having the care of such road; and such permission shall authorise him so to mine, upon such terms and conditions, and subject to such restrictions as they see fit; and such Trustees shall, before they grant such permission, enquire and determine whether such mining can be carried on without injury to adjoining property, or substantial injury or obstruction to such road; and such Trustees may, if they see fit, refuse any such permission.

Mining upon or under public roads.
Ibid., s. 59.

126 It shall be lawful for such Trustees, upon the application of the holder of any lease issued under this Act or any former Act, and upon the report of any engineer or surveyor that a sluice-box, tramway, culvert, or other work can be laid or constructed on, over, or under any such road, without any substantial injury to, or obstruction of, the traffic thereon, and that such sluice-box, tramway, culvert, or other work is necessary for the due and proper working of any mine, or for

Trustees may allow sluice-boxes, tramways, and culverts under public roads.
Ibid., s. 60.

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the conveyance of water for mining purposes, by order in writing made after inspection by some officer of such Trustees, or other person duly appointed by such Trustees of the road mentioned in such report, subject to the rights of occupiers of adjoining or contiguous lands to allow such sluice-box, tramway, culvert, or other work to be laid or constructed by the holder of any such lease: Provided that such works shall be so constructed as not to substantially injure such road or obstruct the traffic thereon.

If after the construction of any such sluice-box, tramway, culvert, or other work under such order, it is made to appear to such Trustees that the same does so injure such road or obstruct the traffic thereon, it shall be lawful for such Trustees to order that the obstruction be removed, and if after Seven days from the date of notice of such order having been given to the holder of any such lease, the obstruction caused by such sluice-box, tramway, culvert, or other work is not removed or remedied, the same shall be deemed a nuisance, and the person who obtained the said firstmentioned order, or the then owner or occupier, shall be liable to a penalty not exceeding Twenty Pounds.

Any Warden may, upon proof of the said lastmentioned order and of the disobedience thereof, order the said nuisance to be abated; and any person authorised by the Trustees or such Warden may enter the premises to which the order to abate the nuisance relates, and remove or abate such nuisance, and do whatever may be necessary in execution of such order, and charge the cost to the person who obtained the said firstmentioned order, or the then owner or occupier.

(2.) Purchase of Lands.

Power to Minister
to purchase lands.
64 Vict. No. 61,
s. 61 (Tas.).
57 Vict. No. 24,
s. 60 (Tas.).

127 The Minister may, if the Governor approves, purchase, acquire, and take such land as the Governor may deem necessary for the purposes of tailings areas and sludge-channels, and for the purpose of diverting water; and any such land so purchased, acquired, or taken by the Minister shall, for the purposes of this Act, be and be deemed to be Crown lands, and shall be subject to all the provisions of this Act.

Power to enter
upon lands.
Ibid., s. 62.
Ibid., s. 61.

128 The Minister, his officers and workmen, may at all reasonable times in the daytime, upon giving 'Twenty-four hours' previous notice in writing to the owner or occupier of any land which it is proposed to take for the purposes of this Act, enter into and upon such land for the purpose of surveying or valuing the same.

21 Vict. No. 11
incorporated.
57 Vict. No. 24,
s. 62 (Tas.)

129 *The Lands Clauses Act* shall, except as hereby expressly varied, be incorporated with this Part of this Act; but—

1. There shall not be incorporated with this Act the Sections and provisions of the said Act hereinafter mentioned; that is to say,—Section Eight, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; Section Nine, whereby it is provided that the certificate of the Justices shall be evidence that the

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capital had been subscribed; Section Twenty-three, whereby the mode in which the costs of arbitration are to be borne is prescribed: A.D. 1905.

11. In the construction of this Act and the said incorporated Act this Act shall be deemed to be the Special Act, and the Minister shall be deemed to be "the Promoter of the undertaking."

130 Any notice required to be given by or on behalf of His Majesty the King or the Governor by virtue of the provisions of *The Lands Clauses Act* or this Act shall be sufficient if signed by the Minister. Notices.
21 Vict. No. 11.
57 Vict. No. 24,
s. 63 (Tas.).

131 If the Minister, before any steps are taken under *The Lands Clauses Act* to acquire and take any land under the provisions of this Act, offers in writing to pay to the person entitled to receive the same compensation for such land, then if such person refuses to accept the same and to convey the land so required, and a reference to arbitration takes place under *The Lands Clauses Act* and the arbitrators or umpire award a sum not exceeding the amount of compensation so offered, all the costs of the reference, arbitration, and award shall be paid by such person, and payment thereof may be enforced by action in any Court of competent jurisdiction on a count for money paid at the request of such person. Costs of arbitration, how to be borne.
Ibid., s. 63.
Ibid., s. 64.

132 The purchase-money of any land purchased, acquired, or taken by the Minister under the provisions of this Part of this Act, and all moneys to be expended by the Minister under and for the purposes of this Part of this Act, shall be appropriated out of moneys provided by Parliament for that purpose. Defrayment of cost.
Ibid., s. 64.
Ibid., s. 65.

133 In every case in which any portion of the land held under any lease granted under the provisions of this Act or any former Act, has been granted, or shall hereafter be granted, by the Crown during the continuance of the lease under which the said land is held, to any person other than the lessee of the said land, to be held by such other person in fee simple or for any lesser estate therein, it shall be lawful for the lessee of the said land, during the continuance of the said lease or of any renewal thereof, to extend into such granted portion as aforesaid of the said land, at a depth of not less than Fifty feet from the surface thereof, the excavations and other mining operations carried on under the powers conferred by the said lease or any renewal thereof on any portion of the said land, and to remove from such granted portion as aforesaid of the said land at such depth as aforesaid all metals and minerals which the lessee is empowered by the said lease or any renewal thereof to remove from the said land, as freely as if such granted portion as aforesaid of the said land had never been granted as aforesaid. Right to extend mining operations into alienated portions of leased land.
Ibid., s. 65.
Ibid., s. 66.

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Dissatisfied party
may appeal to a
Judge of the
Supreme Court.
Ibid., s. 177.
57 Vict. No. 24,
s. 70 (Tas.).

134 If either party to any arbitration under this Part of this Act is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds One hundred Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a Judge of the Supreme Court, and may have the amount of compensation fixed by a Judge of the said Court, in the manner hereinafter provided.

Procedure upon
appeal.

Ibid., s. 178.
Ibid., s. 71.

135 If the dissatisfied party desires to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with such Rules as may be made by the Judges of the Supreme Court; and the amount of compensation to be paid in such case shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose, and the Judge may also, in his discretion, make any Order as to the person by whom the costs of the appeal shall be borne.

Provided that a Judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Part of this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose; but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

Award not to be
made a Rule of
Court until Judge
determines
matter in dispute.
Ibid., s. 179.
Ibid., s. 72.

136 Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a Rule of Court until a Judge of the Supreme Court, by an Order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Judges may make
Rules.
Ibid., s. 180.
Ibid., s. 73.

137 It shall be lawful for the Judges of the Supreme Court to frame and make Rules determining the nature of the proceedings which shall be taken for carrying out any appeal to a Judge of such Court under this part of this Act, but such Rules shall have no force or effect until the same are published in the *Gazette*.

Certain land not
to be available
under this Act.
Ibid., s. 181.

138 Notwithstanding anything hereinbefore contained, no land upon which any dwelling-house or the outbuildings used therewith, or any factory or substantial building of any kind, is erected, or which constitutes the yard or curtilage or ornamental or other garden attached to any dwelling-house or homestead, or which is required for the proper working of any factory, or which is not distant more than One hundred yards from any dwelling-house or homestead, or which is any road, shall be available under this part of this Act for any of the purposes aforesaid, and no such land shall be affected by service on the owner or occupier thereof of any such notice as aforesaid.

Mining.(3.) *Support of adjoining Lands.*

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139 In this sub-division of this Part of this Act, "Lessee" includes the owner or occupier of any private land.

Interpretation
Ibid., s. 69.
Ibid., s. 75.

140 Where any lessee is unable to mine up to the boundary of the land leased by him without injuriously affecting the land occupied by an adjoining lessee, it shall be lawful for such first lessee to give to the other notice in the prescribed form requiring him to treat for the sale of the right to remove so much of the land as may be required to enable him to mine up to his boundary.

Lessee may give
notice to take
adjoining land.
Ibid., 70.
Ibid., 76.

141—(1.) In the event of the giver and receiver of any notice mentioned in the immediately-preceding Section failing to agree as to the amount of compensation to be paid for such land within Thirty days after the service of such notice, then the matter shall be referred to the arbitration of Four Assessors appointed as hereinafter mentioned, and a Warden of Mines to be nominated by the Minister for that purpose.

If parties cannot
agree matter to be
referred to arbi-
tration.
Ibid., 71.
Ibid., 77.

(2.) The giver of any notice as aforesaid may, upon the expiration of Thirty days from the day on which such notice was served, call upon the other party to the arbitration to appoint Two Assessors for such arbitration, and shall at the same time notify to such other party the names of the Two Assessors appointed by himself, and shall also call upon the Minister to nominate a Warden for such arbitration.

(3.) If the other party fails or neglects for a period of Fourteen days after having been required so to do, to appoint Two Assessors for such arbitration, the Two Assessors appointed by the party giving the notice and the Warden nominated by the Minister may proceed to hear and determine the matter, and the award of any Two of them shall be final.

(4.) Every award made by the Assessors and Warden shall be registered in the office of the Secretary for Mines, and shall be final and binding on the parties and the persons claiming under them respectively.

142 The Assessors and Warden shall have power to decide—

Powers of Asses-
sors.
Ibid., 72.
Ibid., 78.

- i. The extent of ground to be taken :
- ii. By whom the ground shall be removed :
- iii. How and by what means compensation is to be ascertained :
In estimating compensation the arbitrators shall take into consideration—
 - (a) The amount of surface taken, and the value thereof;
 - (b) The value of gold or other minerals removed, and how that value is to be ascertained ; and
 - (c) Whether the work authorised will be detrimental to the future working of the demised land :
- iv. To whom and in what proportion same is to be payable, and at what periods :
- v. How and by whom the costs of arbitration are to be borne.
Costs to be ascertained by arbitrators and included in award.

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Differences
arising under
award may be
settled by
arbitration.

Ibid., s. 73.*Ibid.*, s. 79.

143 If it is made to appear to the Warden that any differences have arisen in carrying out the provisions of any award the Warden may summon the same Four Assessors to decide any such difference, and their award upon the matter in dispute shall have the same force and effect as if the matters therein referred to had been included in the original award.

And any such subsequent award shall be registered in the office of the Secretary for Mines in the same manner as the original award.

Vacancy may be
filled up.

Ibid., s. 74.*Ibid.*, s. 80.

144 If any Assessor at any time refuses to act, or is incapable of acting, or dies, or is absent from *Tasmania*, the party who appointed him may appoint a new Assessor in his place.

Works may be
inspected by party
to award.

Ibid., s. 75.*Ibid.*, s. 81.

145 When any land is being mined or any gold or mineral is being treated in pursuance of any award made under this Part of this Act by one of the parties to any such award, it shall be lawful for the other party, or such other person as he may from time to time appoint, to enter at all reasonable times upon the land so mined or into any building used for the purpose of treating any such gold or mineral.

Accounts of min-
erals to be kept.

Ibid., s. 76.*Ibid.*, s. 82.

146—(1.) In order to ascertain the value of the gold and mineral removed under any award, the gold and mineral so removed shall be mined and treated and kept distinct from other gold or mineral from the adjoining land; and full and true accounts of all gold and mineral so removed, and the cost of mining and reducing the same, shall be kept and be verified by statutory declaration by the lessees, their manager or agent, and such accounts shall be open at all reasonable hours for inspection by the other party to the arbitration, or by such person as the Minister or he may from time to time appoint in writing.

Copies to be sent
to Secretary for
Mines and other
party to arbitra-
tion.

(2.) A copy of all such accounts for each month verified as aforesaid shall be forwarded within Seven days after the expiration of every month to the Secretary for Mines and the other party to the arbitration respectively, and thereupon any money which such accounts shall show to be payable shall be paid by the person liable to pay the same to such other person to whom the same shall be due.

Warden may
order payment.

(3.) If any such money shall remain unpaid for a period of Fourteen days after the expiration of any month a Warden may, upon the application of the person entitled to receive the money, make an order for the payment of the same.

Enforcement of
Warden's order.

Ibid., s. 77.*Ibid.*, s. 83.

147 Whenever any sum of money or portion of any sum of money ordered to be paid by order of a Warden under this Part of this Act shall remain unsatisfied in whole or in part, and whether after previous executions or not, for Fourteen days or for a longer period from the date of such order, the Warden who shall have made such order, or any other Warden to whom a certified copy of the said order shall be produced, shall, on the application of the person claiming to be entitled to the moneys in such order, or any attorney in his behalf, grant to the party so applying a certificate in such form as may be prescribed or to the

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like effect ; and it shall be lawful for the party obtaining such certificate, or his attorney, to file such certificate with the Registrar of the Supreme Court, and thereupon execution may issue, and all such proceedings be had and taken to enforce payment of the moneys mentioned in such order as upon a decree or order of the Supreme Court.

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148 Whenever, and so soon as any order of a Warden made under this Part of this Act shall have been filed with a Registrar of the Supreme Court, the money directed in such order to be paid shall, so long as any part thereof remains unpaid and unsatisfied, become and be a charge, subject to prior encumbrances, upon the estate or interest of the person ordered to pay the same, in the Crown land or private lands occupied or used for mining purposes by such person, and upon all plant and machinery thereon and all property of such person in such land, plant, and machinery ; and the Warden by whom such order shall have been made, or any other Warden to whom a certified copy of such order shall be produced, may by his order restrain the sale or other disposal or transfer of such interest in the land, plant, machinery, or property until such moneys have been paid ; but this provision shall not be deemed in any way to lessen the right of seizure and sale of such land, plant, machinery, and property under any execution issued for the realisation of the moneys ordered in such Warden's order to be paid or contributed.

Certified order to be a charge on property of mine-owner.

Ibid., s. 78.*Ibid.*, s. 84.

Warden may restrain sale of such property until moneys paid.

149 The remedies provided in the Two last preceding Sections shall be in addition to, and not in derogation of, any of the remedies given in or by any other Section of this Act, and shall not be construed to in any way lessen or take away any of the jurisdiction, power, or remedies created or given in or by such lastmentioned Section.

Remedies in this division to be cumulative.

Ibid., s. 79.*Ibid.*, s. 85.

PART VII.

ENCOURAGEMENT OF MINING.

150 In this Part of this Act—

Definition.

“ Mineral ” means any metal or mineral, including gold :

“ New Mineral Field ” means any area of mineral-bearing country containing any mineral, in paying quantity, such area being of such extent as may from time to time be prescribed : Provided that the place where any such mineral shall be first discovered upon such area shall be distant more than Five miles from the nearest spot where the same mineral in similar deposit is, at the time of the discovery, known to exist in paying quantities.

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Reward Lease
may be granted.

As to Reward Areas.

151 The Minister may, with the approval of the Governor, and subject to the Regulations, grant a Reward Area. by way of lease or otherwise, to the discoverer of minerals.

As to Reward for Discovery of New Mineral Fields.

Prospector
discovering new
mineral field to
be entitled to
reward upon
fulfilment of
conditions.

152—(1.) Subject to the provisions of this Part of this Act, any prospector for minerals, who, after the passing of this Act,—

- i. Is the *bonâ fide* discoverer of a new Mineral Field : and
- ii. Complies with the provisions of this part of this Act, and of any Regulations made thereunder : and
- iii. Establishes his claim to the reward hereinafter mentioned to the satisfaction of the Governor :

shall—

(a) If the discovery by him of such new Mineral Field results in the establishment thereon, or in the immediate vicinity thereof, of a new mining settlement or town, within Ten years from the time of such discovery ; and

(b) If, as the result of such discovery, a population of at least Five hundred persons is supported and maintained in such mining settlement or town for a continuous period of Twenty-four consecutive months during the said period of Ten years—

be paid out of the Consolidated Revenue Fund, as a reward for such discovery, the sum of Five hundred Pounds for every Five hundred persons *bonâ fide* residing and living in such mining settlement or town at the end of the first continuous period of Twenty-four consecutive months during which a population of at least Five hundred persons is so supported and maintained as aforesaid, but in no case shall the sum so payable exceed Ten thousand Pounds.

(2.) In any case where the *bonâ fide* discoverer of a new Mineral Field dies before the happening of the conditions which must happen to entitle him to a reward under this Section, and such conditions subsequently happen, and such discoverer would, if he had lived, have become thereby entitled to such reward, it shall be lawful for the Governor under such conditions as may be prescribed, to grant such portion of such reward as the Governor thinks fit to the widow, child, and parent (if any) of such discoverer, in such shares and manner as the Governor thinks fit.

Prospector
claiming to be
discoverer to
report discovery,
furnish particu-
lars, &c.

153 Any such prospector claiming to be the *bonâ fide* discoverer of a new Mineral Field shall, within One month from the time of such discovery or within such other time as may be prescribed,—

- i. In writing, report the discovery to the Minister and claim to be the *bonâ fide* discoverer, giving the date of the discovery : and
- ii. Furnish full particulars with respect to the locality in which the discovery is made, and the measured distance of the

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spot (if practicable) from some known point, also the conditions under which the mineral was found, the quantity obtained, and the amount of labour and time expended in the search : and

- iii. Forward to the Minister a sample of the mineral found, accompanied by a statutory declaration that such sample is from the place where the discovery was made : and
- iv. Furnish such further information and such evidence in support of his claim as the Minister may require or may be prescribed.

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154 Whenever a Prospector for minerals, who is the *bonâ fide* discoverer of a new Mineral Field claims to be entitled to a reward under this Part of this Act, he shall —

How prospector, being *bonâ fide* discoverer, is to claim reward when entitled.

- i. In writing, make his claim to the Minister within Three months (or such further extension of time as the Governor may allow) after the conditions which have to be fulfilled to entitle him to a reward have been fulfilled :
- ii. Furnish such information to the Minister as he may require or may be prescribed :
- iii. Establish his claim to a reward by such proof in support thereof as may be prescribed.

155 Every claim for—

- i. The discovery of a new Mineral Field : or
- ii. For a reward therefor :

Claims to be registered and investigated.

shall be registered in the office of the Minister, and investigated by such person and in such manner as may be prescribed ; and the result of such investigation shall be recorded in the prescribed manner.

156 If any dispute arises—

- i. As to who is or are the *bonâ fide* discoverer or discoverers of any new Mineral Field : or
- ii. As to the manner in which a reward shall be distributed in case there are more discoverers than one : or
- iii. Whether the conditions to be fulfilled in order to entitle a claimant to a reward have been fulfilled : or
- iv. In any way concerning a claim to be the *bonâ fide* discoverer of a new Mineral Field, or for a reward,

How disputes to be settled.

the Governor may appoint—

- (a) A Warden of Mines ; or
- (b) A Commission consisting of Three persons,

to hear and determine any such dispute ; and the decision of such Warden of Mines, or of the majority of such persons, as the case may be, shall be final and conclusive.

157 The Governor may by Regulation—

- i. Define the extent of the area of a new Mineral Field :
- ii. Prescribe how and by whom any claim shall be investigated :

Power to make Regulations.

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- iii. Confer upon any Warden of Mines or Commission, as the case may be, any duties, powers, or discretions he may think fit for effectuating the purposes or objects of this part of this Act. In particular, such Regulations may prescribe—
 - (a) The taking of evidence ;
 - (b) The reporting of proceedings ;
 - (c) Anything that may seem to the Governor necessary or convenient for the due or better or more effectual carrying out of any matters referred to the Warden of Mines or Commission, as the case may be :
- iv. Give effect to all or any of the provisions or purposes of this Part of this Act.

As to Reward for Discovery of Valuable Deposit.

Reward for
discovery of
valuable deposit
of minerals.

158 On proof to the satisfaction of the Minister that any *bond fide* prospector is the actual discoverer after the passing of this Act of any new and valuable deposit of minerals in respect of which a Reward Claim shall be granted, the Governor may in his discretion, and subject to the Regulations, pay to such prospector out of the Consolidated Revenue Fund as a reward for such discovery, a sum not exceeding One hundred Pounds, and any such payment shall be made subject and pursuant to the following provisions :—

- i. No payment whatever shall be made unless, as a result of the discovery, an area of land situate in the vicinity of and including the Reward Claim, of at least—
 - (a) One hundred acres in the case of a valuable discovery of gold :
 - (b) Six hundred and forty acres in the case of a valuable discovery of any other mineral than gold, coal, or shale : and
 - (c) One thousand two hundred and eighty acres in the case of a valuable discovery of coal or shale—
 is taken up on lease from the Crown for mining purposes, and a year's rent at least paid thereon to and retained by the Crown :
- ii. The sum payable shall be a sum equal to One-half of the rent for the first Two years actually paid to and retained by the Crown in respect of any land so taken up and leased as aforesaid ; but in no case shall the sum so payable exceed One hundred Pounds :
- iii. Such payment, on account of the sum payable as aforesaid, as the Minister may recommend may be made after the rent for the first year in respect of any land so taken up as aforesaid has been actually paid to and retained by the Crown.

159 — (1.) The Minister, out of moneys which shall be appropriated by Parliament for the purpose, may, subject to Regulations to be prescribed, cause to be paid to the future actual discoverer of any new and valuable deposit of metals, or minerals, which may be discovered in a

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locality where mining operations have never been carried on, or have practically ceased, such reward as may be prescribed, and upon such conditions as may be prescribed. A.D. 1905.

(2.) For the purposes of this Section the Governor shall decide whether a locality is one where mining operations have never been carried on, or have practically ceased.

PART VIII.

WORKING, REGULATION, AND INSPECTION OF MINES AND WORKS.

160 In this Part of this Act, and in any Rules or Regulations made thereunder, unless the context otherwise indicates, the term "Works" shall mean any battery, crushing mill, ore-concentrating works, cyanide or chlorination works, smelting works, metal refining, or other works wherein operations are carried on for the treatment of mine products, whether such works are connected or not with any mine. Interpretation.

As to Inspectors and their Powers.

161 The Governor may from time to time appoint such person, possessing competent knowledge, skill, and experience, as the Governor thinks fit to be Chief Inspector of Mines for *Tasmania*, and the Governor may revoke any such appointment; any person so appointed shall carry out the duties imposed upon him by this Act, and such other duties as may be prescribed, or may be assigned to him by the Minister. Appointment of Chief Inspector of Mines.

162 The Governor may from time to time appoint persons possessing competent knowledge, skill, and experience, to be Inspectors of Mines for *Tasmania*, and assign them their duties, and may revoke any such appointment. Appointment of Inspectors of Mines.

163—(1.) The persons who at the commencement of this Act hold the office of Chief Inspector of Mines and Inspectors of Mines respectively under "The Mining Act, 1900," shall continue in office and be deemed to have been appointed Chief Inspector of Mines and Inspectors of Mines respectively under this Act, and shall be subject to its provisions. Officers continued.

(2.) Notice of the appointment of a Chief Inspector of Mines, or of an Inspector of Mines, shall be published in the *Gazette*.

164 No person who practises or acts, or is a partner of any person who practises or acts, as a land agent, or mining engineer, or as a manager, viewer, agent, or valuer of mines, or arbitrator in differences arising between owners, agents, or managers of mines, or holds directly Disqualification for office of Inspector.
59 Vict. No. 37,
Sect. 8 (W.A.).

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or indirectly any interest in a mine within the district for which he acts as Inspector, or is otherwise employed in or about any mine, shall act as an Inspector of Mines under this Act.

Any person who contravenes the provisions of this Section shall be guilty of a misdemeanour, and be liable on conviction to a fine not exceeding One hundred Pounds, or to imprisonment for a term not exceeding Twelve calendar months.

Powers of
Inspectors.

165—(1.) An Inspector under this Act shall have power to do all or any of the following things ; namely—

- i. To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with :
- ii. To enter, inspect, and examine any mine or works, and every part thereof respectively, at all reasonable times by day and night, but so as not to unnecessarily impede or obstruct the working of the mine, or the operations at the works :
- iii. To examine into and make inquiry respecting the state and condition of any mine or works, or any part thereof respectively, and the ventilation of the mine, and the sufficiency of the special rules (if any) for the time being in force in the mine or at the works, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or works or any mine contiguous thereto, or the care and treatment of the horses and other animals used in the mine or at the works :
- iv. To order the immediate cessation of work in, and the departure of all persons from, any mine or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary :
- v. To order the use to be discontinued of any machinery which he deems unsafe or defective until inspected by an Inspector under "The Inspection of Machinery Act, 1902," or until the machinery is made safe or the defect remedied :
- vi. To initiate and conduct prosecutions against persons offending against the provisions of this Part of this Act :
- vii. To appear at all inquiries held by Coroners respecting mining accidents, and (subject nevertheless to the order of the Coroner) to call and examine and cross-examine witnesses :
- viii. To exercise such other powers as may be necessary for carrying this Part of this Act into effect.

*Vide Q., 195.**Vide 62 Vict.
No. 38, s. 220,
ss. (1.) (N.Z.).**2 Ed. VII. No.
11 (Tas.).*

(2.) It shall be the duty of the Inspector generally to see that the provisions of this Act are complied with, and from time to time to visit and inspect mines, works, and all machinery used therein other than steam-engines and boilers ; and, for the purpose of enabling him to more effectually perform his duties and functions under this Act, he shall have all the powers of an Inspector of Machinery under "The Inspection of Machinery Act, 1902," and that Act shall be construed accordingly.

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(3.) Whenever any Inspector of Mines shall have inspected any mine, works, or machinery he shall enter in a book, to be kept on the mine or works for that purpose, his opinion derived from such inspection of the actual condition of the mine, works, and machinery at the time of such inspection.

And he shall also record what alterations or requirements he thinks are necessary.

Provided nothing contained in or absent from such written report of the Inspector shall be held to limit or affect the responsibility imposed upon the owner or manager by this Act.

166 Every person who wilfully obstructs, or refuses or neglects to obey any order of any Inspector in the execution of his duty under this Act, and every owner of a mine or works who refuses or neglects to furnish to such Inspector the means necessary for making any entry, inspection, examination, or enquiry under this Act in relation to such mine or works, shall be guilty of an offence against this Act.

A.D. 1903.

Vide 62 Vict.
No. 24, s. 195
(Q.).

Penalty for
obstructing
Inspectors.
Cf. 64 Vict. No.
61 (Tas.), s. 83.

As to Mining Managers

167 For every mine there shall be a manager, who shall be responsible for the control and direction of the mine, to be nominated by the owner, agent, contractor, or tributer, as the case may be. Every mining company, whether registered or co-operative, shall appoint and continue to have a manager, except when under total exemption, who shall be deemed the mining manager of the company under this Act.

Then name and address of every manager for the time being shall, immediately upon his appointment, be notified in writing, by the person or body appointing him, to the Chief Inspector of Mines, and be registered by him; and no person shall be so appointed who has not the management of the mining operations carried on, in, or at such mine.

In the event of such mining manager ceasing to be in his or their employment, the person or body appointing him shall forthwith give notice of the same in writing to the Chief Inspector.

It shall be the duty of every mining manager to enforce to the best of his power the observance of the provisions of this Act by all persons employed in or about the mine of which he has charge; and no agreement with the contractors or tributers or others will be allowed to relieve him of the responsibility of having all work in and about the mine carried on in a safe manner, and in accordance with this Act.

168 If any mine is worked for more than Seven days without there being a manager for that mine, as required by the last preceding Section, the owner, agent, contractor, or tributer of such mine shall each be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding Ten Pounds for each day during which such mine is so worked.

Mining manager
to be appointed,
and name
registered
See 62 Vict. No.
24, s. 201 (Q.),
also 64 Vict.
No. 61, s. 84
(Tas.).

Penalty for
neglect to appoint
manager.
Ibid., Q., 202.

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Quarterly return
to be furnished.

169 Within Fourteen days from the commencement of every quarter the owner, agent, or manager of every mine shall send to an Inspector, Registrar, or Warden of Mines a correct return, specifying, with respect to the immediately preceding quarter, such particulars relative to the nature, quantity, and value of metals or minerals obtained, and the number of men employed, as may be prescribed, and in such form as may be prescribed.

Forms of the return shall on application be furnished by the Registrar of Mines or Inspector of Mines for the district.

Any owner, agent, or manager of a mine who fails to comply with this Section, or makes any return which to his knowledge is false in any particular, shall be guilty of an offence against this Act.

As to Employment of Persons in Mines.

Employment of
women and
children in mines.
See 64 Vict.
No. 61, s. 85
(Tas.).

Age of person
employed at
mine.

See *ibid.*, s. 86.

170 No boy under the age of Fourteen years, and no female, shall be employed in any capacity or be allowed to be, for the purpose of employment, in or about any mine.

171—(1.) No person under the age of Eighteen years shall be employed as lander, braceman, or platman at any shaft.

(2.) No person under the age of Eighteen years shall, except in cases of emergency, be employed in any capacity in or about a mine for more than Forty-eight hours in any week, or for more than Eight hours in any period of Twenty-four hours, exclusive nevertheless of the time allowed for meals.

(3.) No person shall be deemed guilty of an offence against this Act for a contravention of so much of this Section as relates to the time for which persons shall not be employed, if he satisfies the Warden that special circumstances rendered such contravention necessary for the safe and proper working of the mine, and that such contravention was not injurious to the workmen employed in the mine.

Limit of period
of employment
in charge of
machinery.
See *ibid.*, s. 87.

172—(1.) No person in charge of machinery worked by steam, air, gas, oil, or electricity, and used in connection with any mine or works, or for the treatment of the products of any mine, shall be employed for a longer period than Eight consecutive hours at any one time; and between each such period and the next there shall be an interval of at least Four hours; such period of Eight hours shall be exclusive of any time occupied in raising steam or supplying air, and in drawing fires and exhausting steam in connection with the machinery in the charge of such person, and exclusive of meal hours, and of any time in which such person is employed in cases of breakage or other emergency.

(2.) Every person in charge of machinery who is guilty of negligence by which any property is destroyed or damaged, shall be guilty of an offence against this Part of this Act.

Certain persons
not to have
charge of
machinery.
See *ibid.*, s. 88.

173—(1.) No person whose sight or hearing is defective, or who is subject to fits or any other infirmity likely to interfere with the efficient discharge of his duties, shall be allowed to have charge of any

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machinery in or about any mine, or any works, which is used for hoisting or hauling purposes. Any such person who accepts such charge, and every other person who employs any such person as aforesaid, shall be guilty of an offence against this Act. A.D. 1905.

(2.) Where men are being raised or lowered by any electrical machine, or by an air winch fixed underground, a permit from the Inspector of Mines for the district must first be obtained before any person can take charge and drive such electrical machine or air winch : Permits.
4 Ed. VII. No.
1961, Sect. 50,
Sub-sect. (2.)
(Vic.).
Provided that no person under the age of Eighteen years shall be allowed to drive an air winch or electrical machine while men are being raised or lowered.

As to Plans and Inspection of Mines.

174—(1.) Every mine-owner shall have and preserve accurate plans and sections showing the position of all the underground workings in his mine, and also, if the Chief Inspector of Mines so requires, of the surface workings of his mine, drawn from actual surveys effected in accordance with the Regulations made under this Act by a duly-authorized Surveyor, or by a mining manager who holds a certificate of competency under this Act, or by any person approved by the Chief Inspector of Mines ; and at intervals of not more than Six months all additional underground workings, and all additional surface workings, if so required as aforesaid, and all extensions of workings made since the previous surveys were effected, shall be surveyed as aforesaid, and delineated upon the said plans and sections, and no underground workings shall be filled up or allowed to fall into disrepair until they have been so surveyed. Before any mine having underground workings is abandoned for any period exceeding Seven days the survey thereof shall be completed, and certified copies of plans and sections as aforesaid, showing all the workings up to the date of abandonment, shall be sent to the Inspector of Mines within One month after such date. Plans of
operations to be
furnished.

See 64 Vict. No.
61, s. 91 (Tas.).

During the quarter ending the Thirty-first day of *March* in every year the owner of any mine shall furnish to the Chief Inspector of Mines certified copies of the aforesaid plans and sections, showing as far as possible all the underground workings, and, if the Chief Inspector shall so require, the surface workings, that have been effected in his mine up to the Thirty-first day of *December* immediately preceding the commencement of the said quarter ; but if at any time previously such copies of plans and sections have been already furnished by the said owner, then it shall only be necessary for him to supply copies of plans and sections of such workings and extensions of workings as have been effected since such time.

All copies of plans and sections—

- i. Shall show a connection to some permanent mark on the surface of the ground :
- ii. May be inspected by any person or persons duly authorised by writing under the hand of the Minister.

If any mine-owner shall fail to comply with the provisions of this Section he shall be deemed guilty of an offence against this Act,

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Provided, nevertheless, that the Chief Inspector of Mines may by writing under his hand excuse any mine-owner from having such surveys as the Chief Inspector may specify effected, or from furnishing such copies of plans in any year.

See 60 Vict. No.
12, Sect. 28, Sub-
sect. (1.) N.S.W.

(2.) The owner, agent, or manager of any colliery shall also keep in the office at the mine an accurate plan of the workings of the mine showing the workings up to a date not more than One month previously, and the general direction and rate of dip of the strata, together with the section of the strata sunk through, or if that be not reasonably practicable, a statement of the depth of the shaft with a section of the seam.

Ib., Sub-sect.
(11.).

The owner, agent, or manager of any colliery shall, on request at any time of an Inspector of Mines under this Act, produce to him at the office at the mine such plan and section, and shall also on the like request mark on such plan and section the then state of the workings of the mine; and the Inspector shall be entitled to examine the plan and section, and for official purposes only to make a copy of any part thereof respectively.

If plans not complete, Minister may order new survey.

See 64 Vict. No.
61, s. 92 (Tas.).

175 If upon the receipt of any such plan or section as aforesaid, the Chief Inspector of Mines has reason to believe that the same is an incorrect or incomplete plan or section of the workings of any such mine, the Minister may, if he sees fit, cause a check-survey to be made of the workings of such mine; and if upon the making of any such check survey the plan or section furnished as aforesaid is proved to be incorrect or incomplete in any material respect, of which incorrectness or incompleteness the Minister shall be sole judge, the owner of such mine shall pay the cost of making such check-survey and all expenses incurred in connection therewith; and such costs and expenses shall be recoverable from such owner as a debt due to His Majesty.

Inspector to give notice of dangerous or defective matters not provided against.
62 Vict. No. 38,
Sect. 211 (N.Z.).

176 In any case where any Inspector of Mines finds any mine or any part thereof, or any works, or any machine, plant, matter, thing, or practice in or connected therewith, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, and the case is not elsewhere sufficiently provided against by any express provision of this Act or by any Special Rule, the following special provisions shall apply:—

i. The Inspector shall, by requisition in writing addressed in general terms to the person in charge of the mine or works, and delivered at the mine or works, report to the owner and manager thereof the nature of such danger or defect, together with his reason for holding that the same exists, and require that the matter complained of be forthwith remedied. He shall also report the same to the Minister and to the Warden:

Objections.

ii. If the owner objects to comply with such requisition he may, within Seven days after the delivery thereof as aforesaid, send his objections in writing, stating the grounds of his

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objections, to the Warden, and shall also send a copy of the same to the Inspector, who shall report on the same to the Warden, and thereupon the matter shall be determined by arbitration. The owner of the mine or works, as the case may be, on the one hand, and the Inspector of Mines on behalf of the Minister on the other, shall be deemed parties to a submission to such arbitration :

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- iii. For the purposes of such arbitration the date of the receipt by the Warden of such objection shall be deemed to be the date of the reference :
- iv. If the owner fails to comply with the requisition, or, in the event of objection and arbitration, with the award made on arbitration, and such failure continues for Fourteen days after the expiration of the time for objection or the date fixed by the award for compliance therewith, as the case may be, he is guilty of an offence against this Act, and the requisition or award, as the case may be, shall be deemed to be written notice of such offence :
- v. In any proceedings for a penalty in respect of such offence, the Court, if satisfied that the owner has taken active measures for complying with the requisition or award, but has not, with reasonable diligence, been able to complete the work, may adjourn such proceedings, and if the work is completed within a reasonable time no penalty shall be inflicted :
- vi. No person shall be deemed to be precluded by any contract or agreement from doing such acts as may be necessary in order to comply with any of the provisions of this Section, or be liable under any contract or agreement to any penalty or forfeiture for doing such acts :
- vii. Every person who is appointed an arbitrator or umpire under this Section shall be a practical mining engineer, or a person accustomed to the working of mines ; but when an award has been made under this Section, the arbitrator or umpire who made the same shall be deemed to have been duly qualified as provided by this Section.

177 For the purpose of preventing accidents in mines or works, the following provisions shall apply :—

Employees to inform employers of breaches of Act.

- i. Every person employed in or about any mine or works shall, before commencing and whilst at work, satisfy himself of the safety of any tubs, chains, tackle, windlass, ropes, or other appliances he may use, and shall refrain from using anything which is unsafe :
- ii. Every such person who witnesses or becomes aware of, or has information of any circumstance, matter, or thing which may be likely to produce danger of any kind in the mine or works ; and every person who may be notified by any such person of any such circumstance, matter, or thing,

See 64 Vict. No. 61, s. 96 (Tas.).

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shall notify the same to the person (if any) under whose immediate direction or control he may be, or if there is no such lastmentioned person, then to the person in charge of the mine, otherwise he shall be guilty of an offence against this Act:

- III. Every person in sub-charge of and employed in mining operations in any part of a mine shall, on changing his shift, inform the person appointed to relieve him of the state of the workings in the part of the mine in which he has been employed, otherwise he shall be guilty of an offence against this Part of this Act.

Inspector to make inquiry on hearing complaint.
See *ibid.*, s. 97.

178 Immediately upon any person employed in a mine or works making a complaint in writing under this Part of this Act to an Inspector of Mines, it shall be the duty of the Inspector to make inquiry into the matter of such complaint, and to take such other steps as he may deem necessary to investigate the matter, and the name of the person making such complaint shall not be divulged by the Inspector.

Inspector may appoint substitute to hold inquiry.
See *ibid.*, s. 98.

179 In lieu of making such inquiry himself, an Inspector of Mines may authorise any responsible person to make an inquiry on his behalf, and to take such other steps as he deems necessary to investigate the matter.

As to Accidents.

Negligence.
Cf. 64 Vict. No. 61 (Tas.), s. 101.

180 Every person who, by the negligence of himself, or his agent, or servant, causes any person to be injured or killed, shall be deemed guilty of an offence against this Part of this Act.

Notice of accident to be given to Inspector of Mines.
See 64 Vict. No. 61, s. 89 (Tas.).

181—(1.) The mine manager of every mine and the owner or manager of any works, or, in his absence, the person in charge of the mine or works, shall forthwith, after the occurrence of any accident attended with any serious injury to any person, give notice thereof to the nearest Inspector of Mines, who shall thereupon, if he sees fit, make an open enquiry concerning the cause and circumstances of such accident, and any such mining or other manager, owner, or person as aforesaid, who omits to give such notice, shall be deemed guilty of an offence against this Act. Any portion of a mine or works where an accident occurs shall not be interfered with after such accident until inspected by a Coroner's jury or by the Inspector, unless with the view of saving life or preventing further injury. Upon the injured person returning to work, notice thereof shall forthwith be given to the Inspector.

(2.) For the purpose of this Section, "Serious Injury" means any injury which involves, or is likely to involve, loss of or permanent injury to any limb, or to the sight or hearing, or which occasions a fracture of the head, or of any limb, or a dislocation of any limb, or enforced absence from work for Fourteen days, or any injury which is declared by any medical officer to be serious.

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(3.) The mine manager of every mine, and the owner or manager of any works, or in his absence the person in charge of the mine or works, shall forthwith, after the occurrence of any mishap or accident other than of a trivial nature in or about the mine or works or its machinery, and not attended with injury or only with trivial injury to any person, give notice thereof to the nearest Inspector of Mines. A.D. 1905.

182 — (1.) If any person employed in or about any mine or works suffers injury in person or is killed—

- i. Owing to the negligence of the owner of such mine or works, or his agents or servants : or
- ii. Owing to the non-observance in such mine or works of any of the provisions of this Act, such non-observance not being solely due to the negligence of the person so injured or killed—

the person injured, or his personal representatives or the personal representatives of the person so killed, may, in any Court of competent jurisdiction, recover from the owner of such mine or works, as the case may be, compensation by way of damages, as for a tort committed by such owner : Provided that in estimating the damages due regard shall be had to the extent (if any) to which the person injured or killed contributed by any negligence on his own part to the injury or death.

Employer to compensate employee injured through non-observance of this Act.
See 64 Vict. No. 61, s. 99 (Tas.).

1 & 2 Ed. VII.
No. 5, s. 17
(W.A.).

(2.) The amount of such compensation, with the costs of recovering the same when determined, shall constitute a charge on the mine and mining plant or the works, as the case may be, in or about which such person was so employed. As between themselves, all such charges shall have priority, according to the priority of the time when they accrue (being the time when the accident occurred); but such of them as accrue on the same day shall be deemed to accrue at the time when the earliest of them accrued, and shall rank equally one with another.

The Governor may from time to time, by Regulations under this Act, prescribe the mode in which such charges may be enforced.

(3.) Nothing in this Section contained shall take away from any person the right to take the same proceedings as are open to him, independently of this Act, in respect of a claim for compensation, in any Court of competent jurisdiction ; but the owner shall not be liable to pay compensation independently of and also under this Act.

When accident occurs mine not to be interfered with.
62 Vict. No. 38, Sect. 218 (N.Z.).

183 In every case where an accident occurs in a mine the following provisions shall apply :—

- i. In the absence of the Inspector, the Warden, or in his absence the Registrar or Clerk, may appoint some competent person to examine the place where such accident occurred, and to report to him on the state and condition of the mine or works :
- ii. A copy of such report shall be forwarded forthwith to the Minister ; and any examination of a mine or works made as in this Section prescribed shall be deemed to be an examination made by an Inspector.

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Coroners' inquests
on deaths from
accidents in
mines.
Ibid., 219.

See 63 Vict. No.
49, s. 25 (W.A.).

Ibid.

184 With respect to every coroner's inquest on the body of any person whose death may have been caused by any explosion or accident in a mine or at any works the following provisions shall apply :—

- i. No person having a personal interest in or employed in or in the management of the mine or works in which the explosion or accident occurred, or being a relative of any person whose death may have been caused by the explosion or accident, shall be qualified to serve on the jury empanelled on the inquest :
- ii. It shall be the duty of the constable or other officer summoning the jury not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or sit on the jury :
- iii. Whenever practicable, Three of the jurymen shall be miners :
- iv. The Inspector of Mines for the district shall, if possible, be present at inquests, and may (subject nevertheless to the order of the coroner) examine witnesses and elicit evidence relative to the cause of death, and to the issue whether the accident was attributable to negligence or any omission to comply with the provisions of this Act :
- v. The wife or a relative of any person whose death may have been caused by the explosion or accident with respect to which the inquest is being held, and the owner or manager of the mine or works in which the explosion or accident occurred, and a representative of the Miners' Association for the district, may be present at the inquiry, and may, either in person or by counsel or solicitor, put questions to any witness as to the cause of the accident, subject nevertheless to the order of the coroner.

Provisions relating to Collieries only.

185—(1.) The owner or manager of a mine shall not employ any person in the mine, or permit any person to be in the mine for the purpose of employment therein, unless the following conditions respecting shafts, tunnels, or outlets are complied with (that is to say) :—

Prohibition of
single shafts,
tunnels, or outlets.
1 & 2 Ed. VII.
No. 25, Sect. 16
(W.A.).

1. There must be at least two shafts, tunnels, or outlets with which every seam for the time being at work in the mine shall have a communication, so that such shafts, tunnels, or outlets shall at all times afford separate means of ingress and egress available to the persons employed in every such seam, whether the shafts, tunnels, or outlets belong to the same mine or to more than one mine. The second shaft, tunnel, or outlet shall not be required to be commenced until One year after coal has been struck in the first shaft, tunnel, or outlet ; and mines at work at the commencement of this Act shall not be required to commence the second shaft, tunnel, or outlet until Six months after such commence-

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ment; and when the second shaft or tunnel is commenced, work shall be carried on continuously with not less than Three shifts of an adequate number of men: A.D. 1905

- ii. Such shafts, tunnels, or outlets must not at any point be nearer to one another than Twenty yards; or such less distance as may be approved of by an Inspector of Mines; and there shall be between such Two shafts, tunnels, or outlets a communication not less than Five feet wide and Six feet high, or of such smaller dimensions as an Inspector of Mines may approve; the roads between such shafts, tunnels, or outlets shall at all times be kept clear of any obstruction:

- iii. Proper apparatus for raising and lowering persons at each such shaft or outlet, if such shaft or outlet exceeds Fifty feet in depth, shall be kept on the works belonging to the mine, and such apparatus, if not in actual use at the shafts or outlets, shall be constantly available for use.

(2.) Every owner or manager of a mine who acts in contravention of or fails to comply with this Section shall be guilty of an offence against this Act.

(3.) The Supreme Court or a Judge thereof, whether any other proceedings have or have not been taken, may, on the application of or on behalf of the Attorney-General, prohibit by injunction the working of any mine in which any person is employed, or is permitted to be for the purpose of employment, in contravention of this Section, and may award such costs in the matter of the injunction as the Court or Judge thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

(4.) Written notice of the intention to apply for such injunction in respect of any mine shall be given to the owner or manager of the mine not less than Fourteen days before the application is made.

186 The foregoing provisions of this Act with respect to shafts, tunnels, or outlets, shall not apply:—

- i. In the case of a new mine being opened—

(a) To any new working for the purpose of making a communication between Two or more shafts, tunnels, or outlets; or

(b) To any working for the purpose of searching for or proving minerals,

so long as not more than Twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single shaft, tunnel, or outlet; nor

- ii. To any proved mine, so long as it is exempted by order of the Minister, on the ground either—

(a) That the quantity of mineral proved is not sufficient to repay the outlay which would be occasioned by sinking or making a second shaft, tunnel, or

Exceptions from provisions as to shafts.

Ib., s. 17 (W.A.).

See N.S.W., 60

Vict. No. 12, s. 45.

See Vic. 50 & 51

Vict., c. 58, s. 18.

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outlet, or by establishing communication with a second shaft, tunnel, or outlet, in any case where such communication existed and has become unavailable; or

- (b) That the workings in any seam of the mine have reached the boundary of the property or the extremity of the mining field of which that seam is a part, and that it is expedient to work away the pillars already formed in course of the ordinary working; but no pillars shall be taken out that will cause the communication to be cut off from both outlets; nor

iii. To any mine—

- (a) While a shaft is being sunk, or a tunnel or an outlet being made; or
- (b) One of the shafts, tunnels, or outlets of which has become, by reason of some accident, unavailable for the use of the persons employed in the mine; nor

so long as the mine is exempted by order of the Minister and as the conditions (if any) annexed to the order of exemption are duly observed.

Non-application of provisions as to dimensions of communication between Two shafts, &c.

Ib., Sub-section (2.), Sect. 18 (W.A.).

Agreements not to preclude compliance with Act.

Ib., Sect. 19

(W.A.).

See N.S.W., 60 Vict. No. 12, s. 44.

See Vic., 50 & 51 Vict., c. 58, s. 17.

Payment of persons employed in mines by weight.

See N.S.W. 60 Vict. No. 12, s. 38 also 1 & 2 Ed. VII. No. 25, Sect. 12 (W.A.)

See Vic. 50 & 51 Vict., c. 58, s. 12.

187 The foregoing provisions of this Act as to the dimensions of the communication between Two shafts, tunnels, or outlets shall not apply to any mine or class of mines so long as the same is exempted therefrom by order of the Minister by reason of the thinness of the seams or other exigencies affecting that mine or class of mines, and so long as the conditions (if any) annexed to the order of exemption are duly observed.

188 No person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft, tunnel, or outlet to a mine where the same is required by this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with respect to shafts, tunnels, or outlets.

189—(1.) Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, those persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten; and the mineral gotten by them shall be truly weighed at a place as near to the pit mouth or other entrance to the mine as is reasonably practicable.

Nothing in this Section shall preclude the owner or manager of the mine from agreeing with the persons employed in the mine that deductions shall be made in respect of stones or substances other than the mineral contracted to be gotten, which shall be sent out of the mine with the mineral contracted to be gotten, or in respect of any tubs or skips being improperly filled, in those cases where they are

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filled by the getter of the mineral or his drawer, or by the person immediately employed by him; such deductions being determined in such special mode as may be agreed upon between the owner and manager of the mine on the one hand and the persons employed in the mine on the other, or by some person appointed in that behalf by the owner or manager, or (if any check-weigher is stationed for this purpose as hereinafter mentioned) by such person and such check-weigher, or, in case of difference, by a third person to be mutually agreed on by the owner or manager of the mine on the one hand and the persons employed in the mine on the other, or, in default of agreement, appointed by a Warden of Mines within whose jurisdiction the mine is situate.

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(2.) If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this Section, he shall be guilty of an offence against this Act; and in the event of any such contravention or non-compliance by any person whomsoever, the owner or manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the provisions of this Section to prevent the contravention or non-compliance.

Penalty.

(3.) Nothing in this Act shall be held to authorise or give any power to any owner or manager of a mine to pay miners by the method known as the "standard weight" system, and from and after the commencement of this Act that system shall be and is hereby abolished.

"Standard weight" system illegal.
N.S.W. *ibid.*, s. 38 (3.).

(4.) Nothing in this Act shall prevent any owner or company from making an agreement with his or their workmen for the system known as the "average weight" being accepted until such time as machinery can be procured to weigh the whole of the coal; such time shall not exceed a period of Twelve months after the commencement of this Act for mines then being worked; and every owner or company starting operations after such commencement shall be allowed a period not exceeding Twelve months from the date of the starting of such operations to procure the necessary machinery.

"Average weight" system not illegal.

(5.) In the case of any mine or class of mines employing not more than Twenty persons underground, where it is proved to the satisfaction of the Minister to be expedient that the persons employed therein should, upon the joint representation of the owner or owners of any such mine or class of mines and the said persons, be paid by any method other than that provided by this Section, the Minister may, if he think fit, by order under his hand, allow the same, either without conditions or during the time and on the conditions specified in the order.

Power to Ministers to sanction other methods of payment.
N.S.W. *ibid.*, s. 38 (4.).

190—(1.) The persons who are employed in a mine and are paid according to the weight of the mineral gotten by them may, at their own cost, station a person (in this Act referred to as a "check-weigher") at each place appointed for the weighing of the mineral, and at each place appointed for determining the deductions, in order that he may, on behalf of the persons by whom he is so stationed, take a

Appointment on part of men and removal of check-weigher.
1 & 2 Ed. VII. No. 25, Sect. 13 (W.A.).

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See N.S.W. 60
 Vict. No. 12, s. 40.
 See Vic. Nos. 50
 & 51 Vict., c. 28,
 s. 13.

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correct account of the weight of the mineral or determine correctly the deductions, as the case may be.

(2.) A check-weigher shall have every facility afforded him for enabling him to fulfil the duties for which he is stationed, including facilities for examining and testing the weighing-machine, and checking the taring of tubs, skips, and trams where necessary (and including also the continuous weighing of the coal) ; and if at any time proper facilities are not afforded to a check-weigher as required by this Section, the manager of the mine shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to enforce, to the best of his power, the requirements of this Section.

(3.) A check-weigher shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing, or with any of the workmen, or with the management of the mine ; but shall be authorised only to fulfil the duties in the two preceding Sub-sections mentioned, and the absence of a check-weigher from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing or the determination of deductions at such place respectively, but the same shall be done or made by the person appointed in that behalf by the owner or manager, unless the absent check-weigher had reasonable ground to suppose that the weighing or the determination of the deductions, as the case may be, would not be proceeded with : Provided always, that nothing in this Section shall prevent a check-weigher giving to any workman on account of the mineral gotten by him, or information with respect to the weighing or the weighing-machine, or the taring of the tubs, skips, or trams, or with respect to the deductions, or any other matter within the scope of his duties as check-weigher ; so always, nevertheless, that the working of the mine be not interrupted or impeded.

(4.) If the owner or manager of the mine desires the removal of a check-weigher on the ground that the check-weigher has impeded or interrupted the working of the mine, or interfered with the weighing or with any of the workmen or with the management of the mine, or has, at the mine, to the detriment of the owner or manager, done anything beyond taking such account determining such deductions or giving such information as aforesaid, the owner or manager may make a complaint to the nearest Warden in his capacity of a Justice of the Peace, who, if of the opinion that the owner or manager shows sufficient *prima facie* ground for the removal of the check-weigher, shall call on the check-weigher to show cause against his removal.

(5.) On the hearing of the case, the Warden shall hear the parties, and if he thinks that at the hearing sufficient ground is shown by the owner or manager to justify the removal of the check-weigher, shall make a summary order for his removal, and the check-weigher shall thereupon be removed, but without prejudice to the stationing of another check-weigher in his place.

(6.) The Warden may, in every case, make such order as to the costs of the proceedings as he thinks just.

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(7.) If in pursuance of any order of exemption made by the Minister, the persons employed in a mine are paid by the measure or gauge of the material gotten by them, the provisions of this Act shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly. A.D. 1905.

(8.) If the miners consider that the person appointed by the owner or manager improperly interferes with or alters the weighing-machine or the tare in order to prevent a correct account being taken of the weighing and taring, they may complain to the owner or manager, and, if the owner or manager fails to remedy such complaint, the miners may then make a complaint through a Superintendent or Sub-Inspector of Police to the nearest Warden of Mines, in his capacity of a Justice of the Peace, who, if of opinion that the miners show sufficient *prima facie* ground for the removal of the weigher, shall call on the weigher to show cause against his removal.

(9.) On the hearing of the case, the Warden shall first hear the parties, and if he thinks that, at the hearing, sufficient ground is shown by the miners to justify the removal of the weigher, shall make a summary order for his removal, and the weigher shall thereupon be removed, but without prejudice to the stationing of another weigher in his place.

(10.) The Warden may, in every case, make such order as to the costs of the proceedings as he thinks just.

(11.) Every complaint made under this Section to a Warden in his capacity of a Justice of the Peace, and all costs imposed by him, shall be heard, determined, and recovered in a summary way before him, according to the provisions of *The Magistrates Summary Procedure Act*.

191 Where a check-weigher has been appointed by the majority, ascertained by ballot, of the persons employed in a mine who are paid according to the weight of the mineral gotten by them, and has acted as such, he may recover from any person for the time being employed at such mine, and so paid, his proportion of the check-weigher's wages or recompense, notwithstanding that any of the persons by whom the check-weigher was appointed may have left the mine or others have entered the same since the check-weigher's appointment, any rule of law or equity to the contrary notwithstanding. Remuneration of check-weigher. 1 & 2 Ed. VII. No. 25, s. 14 (W.A.). See N.S.W. 60 Vict. No. 12, s. 41. See Vic. 50 & 51 Vict. c. 58, s. 14.

192—(1.) The Act of Council of the 4th William IV. No. 3, relating to weights and measures, and any Acts from time to time amending the same, shall apply to all balances, steelyards, scales, weights, measures, and weighing-machines used at any colliery for determining the wages payable to any person employed in the mine according to the weight of the mineral gotten by him, in like manner as it applies to balances, scales, weights, measures, and weighing-machines used for trade. Application of Weights and Measures Act to weights, &c., used in mines. 1 & 2 Ed. VII. No. 25, s. 15 (W.A.). See N.S.W. 60 Vict. No. 12, s. 42. See Vic. 50 & 51 Vict. c. 58, s. 16.

(2.) An examiner of weights and measures appointed under the said Act shall, once at least in every Six months, examine and test, by

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standard weight, in manner directed by the said Act, the balances, steelyards, scales, weights, measures, and weighing-machines used, or in the possession of any person for use as aforesaid, at any mine within his district; and shall also make an inspection and examination at any other time in any case where he had reasonable cause to believe that there is in use at the mine any false or unjust balance, steelyard, scale, weights, measures, or weighing-machine.

(3.) The examiner of weights and measures shall also inspect and examine the measures and gauges in use at the mines within his district.

(4.) An examiner of weights and measures may, for the purposes of this Section, exercise at or in any mine, as respects all balances, steelyards, scales, weights, measures, and weighing-machines used or in the possession of any person for use at or in that mine, all such powers as he could exercise under the said Act of Council of the 4th *William IV.* No. 3, and any Acts amending the same, with respect to any such balances, steelyards, scales, beams, weights, measures, or other weighing-machines as therein mentioned; and all the provisions of the said Act, including the liabilities as to penalties, shall apply to any such examination or inspection.

(5.) An examiner of weights and measures shall not, in fulfilling the duties required of him under this Section, impede or obstruct the working of the mine.

Penalty for interference with office of check-weigher.

193 If the owner or manager of any mine, or any persons employed by or acting under the instruction of any such owner or manager, interferes with the appointment of a check-weigher, or attempts, whether by threats, bribes, promises, notice of dismissal, or otherwise howsoever, to exercise improper influence in respect of such appointment, or to induce the persons entitled to appoint a check-weigher not to appoint any particular person, or to vote for or against any particular person, in the appointment of a check-weigher, such owner or manager shall be guilty of an offence against this Act.

Regulations.

Regulations.

194 The Governor may, subject to the provisions of this Act, make Regulations for all or any of the purposes following:—

- I. For regulating the duties and functions of Inspectors of Mines:
- II. For providing for the safety of all persons working in or on mines or works; for prescribing a code of signals to be used in all mines in Tasmania, or in such mines as may be directed; for regulating the proper working of mines and of works to ensure such safety and the prevention of accidents, and for holding examinations from time to time to inquire into the mental and physical condition of persons employed in charge of any machinery:

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iii. For prescribing terms and conditions for the issue of—

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(a) Certificates of competency for the office of mining manager of a mine or superintendent of a crushing mill or battery, and either upon examination of the applicant or without examination ;

See 64 Vict. No. 61, s. 82 (Tas.).

(b) Certificates of service equivalent to certificates of competency in relation to any such office ; and for regulating the examinations to be held with respect to the necessary knowledge and experience in working mines, or for the office of superintendent of a crushing mill or battery, of persons applying for such certificates of competency ; and appointing a Board of Examiners to conduct such examinations :

iv. For prescribing conditions as to the manner in which the surveys of the underground workings of mines required in accordance with this Part of this Act shall be effected, and as to the scale to which the plans and sections referred to in this Part of this Act shall be drawn, and as to the terms on which the copies of plans and sections required by this Part of this Act to be furnished to the Chief Inspector of Mines will be accepted as satisfactory :

v. And generally, for facilitating and more effectually carrying into execution the objects of this Part of this Act, especially in cases where no provision, or no sufficient provision, is made for the same.

195 Every Regulation made under this Part of this Act may be made to apply generally to all mining fields within the State, or to any particular mining field or fields only, or to any part of the State.

Id., s. 82.

Application of Regulations.

Every person committing any breach, whether by way of omission or commission, of any Regulation made under this Part of this Act, shall be guilty of an offence against this Act.

General Rules.

196—(1.) The general rules set forth in the First Schedule to this Act shall, so far as may be reasonably practicable, be observed in mines, collieries, and works (whether situate upon Crown land or upon private property) as follows, namely :—

General rules.

First Schedule p. 110.

i. Those set forth in Part (1.) of that Schedule shall be observed in every mine, and where they refer to works shall be observed at or in the works referred to :

ii. Those set forth in Part (2.) of that Schedule shall be observed in collieries only : and

iii. Those set forth in Part (3.) of that Schedule shall be observed at or in smelting works only.

(2.) Every person who contravenes or does not comply with any of the general rules set forth in the First Schedule to this Act, or with any general rules as altered or varied under the provisions of the next succeeding Section, shall be guilty of an offence against this Part of

Contravention of this Section an offence.

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this Act; and in the event of any contravention of or non-compliance with any of the said general rules by any person whomsoever being proved, the mining manager or person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine, or in the case of works the manager of any works, shall also be deemed guilty of an offence against this Part of this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the said rules to prevent such contravention or non-compliance.

Power for
Governor to
suspend, alter, or
vary rules.

197 If in the opinion of the Chief Inspector of Mines the observance of the general rules set forth in the said First Schedule or any of them is not reasonably practicable in the case of any particular mine, colliery, or works, the Governor may from time to time, by notification in the *Gazette*, suspend, alter, or vary such rules or any of them in such manner as he deems necessary in respect to such mine, colliery, or works.

And any general rules so altered or varied shall be deemed to be the general rules of the mine, colliery, or works to which they relate.

Special Rules.

Special rules.
1 Ed. VII.
No. 75, s. 58
(N.S.W.).

198—(1.) The Chief Inspector of Mines may, by notice in writing, require the owner of any mine or works to establish such rules (referred to in this Act as special rules) for the conduct and guidance of the persons acting in the management of such mine or works, or employed in or about the same respectively, as under the particular state and circumstances of such mine or works may appear best calculated to prevent dangerous accidents, and to provide for the safety, convenience, and proper discipline of the persons employed in or about the mine or works.

(2.) Such special rules, when approved by the Minister and published in the *Gazette*, shall be deemed established, and shall be observed in and about the mine or works to which they refer (including any extension thereof) in the same manner as if they were enacted in this Act.

(3.) If any person who is bound to observe the special rules established for any mine or works acts in contravention of or fails to comply with any of them, he shall be guilty of an offence against this Part of this Act; and also the owner and the mine manager of such mine, or the owner or manager of such works, as the case may be, shall each be guilty of an offence against this Part of this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the said rules as regulations for the working of the mine or relating to such works, in order to prevent such contravention or non-compliance.

(4.) If special rules have been established for any mine or works, and subsequently thereto a change occurs either in the name of such

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mine or works, or in the ownership of such mine or works, such special rules shall, notwithstanding the aforesaid change, be and continue to be the special rules of such mine or works, until they are amended or new rules are established under the provisions of this Act.

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199—(1.) The owner or manager of any mine, if so required as aforesaid, shall within Three months after the receipt by him of such request, frame and transmit the special rules to the Inspector of Mines for the district for examination by the Chief Inspector.

Establishment of
special rules.
See *ibid.*, Sect. 59.

(2.) The proposed special rules, together with a printed notice stating that any objection to the rules on the ground of anything contained therein or omitted therefrom, may be sent by any of the persons employed in the mine to the Inspector, at his address, stated in the notice, shall, during not less than Two weeks before the rules are transmitted to the Inspector, be posted up in like manner as is provided in this Act respecting the publication of special rules for the information of persons employed in the mine or works; and a certificate that the rules and notice have been so posted up shall be sent to the Inspector, with Two copies of the rules signed by the person sending the same.

(3.) The proposed special rules, the objections (if any), and the certificate, in the preceding Sub-section mentioned, shall be transmitted by the Inspector, with his report thereon, to the Chief Inspector.

(4.) If the rules are not objected to by the Chief Inspector, he shall so certify in writing, and shall transmit the rules, with such certificate, to the Minister for his approval; and if the Minister approves of the rules, he shall cause them to be published in the *Gazette*, and thereupon they shall be established.

200—(1.) If the Chief Inspector is of opinion that the proposed special rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine or works, or for the safety or convenience of the persons employed in or about the mine or works, or are unreasonable, he may, within Thirty days after the rules are received by the Inspector, object to the rules, and propose to the owner or manager, in writing, any modifications in the rules by way either of omission, alteration, substitution, or addition.

The Chief
Inspector may
object to special
rules.
See *ibid.*, Sect. 60.

(2.) If the owner or manager does not, within Twenty days after the modifications proposed by the Chief Inspector are received by him, object in writing to them, the proposed special rules, with those modifications, shall, together with the certificate in writing of the Chief Inspector that he does not object thereto, be transmitted by him to the Minister, who, if he approves of the rules, shall cause them to be published in the *Gazette*, and thereupon they shall be established.

(3.) If the owner or manager sends his objection in writing within the said Twenty days to the Chief Inspector, the matter shall be referred to the Minister for decision, and the rules shall be established in accordance with the decision of the Minister, upon their being published in the *Gazette*.

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Amendment of
special rules.
See *ibid.*, Sect. 61.

201—(1.) After special rules are established under this Act in any mine or works, the owner or manager of the mine or works may, from time to time, propose in writing to the Inspector, for examination by the Chief Inspector and the approval of the Minister, any amendment of the rules, or any new special rules; and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules.

(2.) The Chief Inspector may, from time to time, propose in writing to the owner or manager of the mine or works, any new special rules, or any amendment of the special rules; and the provisions of this Act, with respect to a proposal of the Chief Inspector for modifying the special rules transmitted by the owner or manager of a mine or works, shall apply to all such new special rules and amendments in like manner, as nearly as may be, as they apply to such proposal.

False statements,
and neglect to
transmit special
rules.
See *ibid.*, Sect. 62.

202 If the owner or manager of any mine or works makes any false statement with respect to the posting up of the rules and notices, he shall be guilty of an offence against this Act; and if special rules for any mine or works are not transmitted within the time limited by this Act to an Inspector for examination by the Chief Inspector, the owner and manager of such mine or works shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by enforcing, to the best of his power, the provisions of this Act, to secure the transmission of the rules.

Certified copy of
special rules to be
evidence.
Ib., Sect. 63.

203 The Chief Inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act in any mine or works, and a copy so certified shall be evidence (but not to the exclusion of other proof) of such special rules, and of the fact that they are duly established under this Act and have been signed by the Chief Inspector.

Special rules
made by the
Governor.
Ib., Sect. 64.

204 The Governor may make and publish in the *Gazette* a set of special rules for any mine or works, and thereafter the rules so made and published shall be deemed the special rules of such mine or works: Provided that upon special rules being established for any mine or works, the special rules made by the Governor as aforesaid shall cease to apply to such mine or works.

Publication of Rules.

Publication of
abstract of Act
and copy of
special rules.
Ib., Sect. 65.

205 For the purpose of making known the provisions of this Part of this Act and the general rules and special rules (if any) to all persons employed in and about a mine or works, an abstract of this part of this Act supplied, upon payment of the prescribed fee, on the application of the owner or manager of the mine or works, by an Inspector for the district, on behalf of the Minister, and a correct copy of the general rules and special rules (if any), shall be published, as follows:—

1. The owner or manager of the mine or works shall cause the abstract and copy of the rules, with the name of the mine

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or works and the name and address of the Inspector for the district, and the name of the owner and of the manager appended thereto, to be posted up, in legible characters, in some conspicuous place at or near the mine or works, where they may be conveniently read by the persons employed therein; and so often as such abstract or copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch :

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- ii. The owner or manager shall supply a printed copy of the abstract and the rules gratis to each person who at the commencement of this Act is employed in or about the mine or works, as soon as practicable, and to every future employee upon engaging him. The owner or manager shall see that each person supplied with a copy signs a receipt therefor in a book to be kept for that purpose :
- iii. Every copy of the special rules shall be kept distinct from any rules which depend only on the contract between the employer and the employed.

In the event of any non-compliance with the provisions of this Section by any person whomsoever, the owner and the manager shall each be guilty of an offence against this Act ; but the owner or manager of such mine or works shall not be deemed guilty if he proves that he had taken all reasonable means, by enforcing, to the best of his power, the observance of this Section to prevent such non-compliance.

206 Every person who pulls down, injures, or defaces any abstract, notice, general rules, proposed special rules, or special rules, when posted up in pursuance of the provisions of this Act, or any notice posted up in pursuance of the special rules, shall be guilty of an offence against this Act.

Pulling down or defacing notices.

General Provisions, and Penalties.

207 Nothing in this Act contained shall be deemed to abridge or annul any of the provisions of "The Inspection of Machinery Act, 1902;" nor to affect the duties of any Inspector appointed under that Act in relation to the inspection in mines or works of machinery and boilers coming within the operation of that Act.

Provisions of 2 Ed. VII. No. 11 not affected.
See 64 Vict. No. 61, Sect. 81 (Tab.).

208 Upon any enquiry, which by this Act or any Regulation an Inspector is authorised to hold, every Inspector or person authorised by him under Section One hundred and seventy-nine of this Act, shall have and may exercise, for the purpose of procuring and enforcing the attendance of witnesses, and for hearing and determining the matter brought before him, all the powers conferred upon a Justice of the Peace by *The Magistrates Summary Procedure Act*, and shall have power to administer an oath to any person appearing before him to give evidence at any enquiry which it may be necessary or expedient to hold.

Inspectors may exercise powers conferred on Justices.
19 Vict. No. 8.
64 Vict. No. 61, s. 90 (Tab.).
And may administer oaths on enquiries.

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What is an
offence against
this Act.

See 64 Vict. No.
61, Sect. 101
(Tas.).

Penalty.

Ib., Sect. 103.

Penalty for un-
seemly or riotous
conduct, intoxi-
cation, &c.
Ib., Sect. 102.

Offences to be
prosecuted within
Six months.

Ib., Sect. 104.

Burden of proof
to lie on
defendant.

Ib., Sect. 105.

Prosecution for
offences.

Ib., Sect. 106.

209—(1.) Every person who in any way contravenes or does not comply with any of the provisions of this Part of this Act, shall be deemed guilty of an offence against this Part of this Act.

(2.) Any person who is guilty of an offence against this Part of this Act for which no specific penalty is herein provided, shall be liable to a penalty not exceeding, if he is the owner, mining manager, or person in charge of or giving orders or directions relating to the carrying on of any mining operations in any mine or operations at any works, Fifty Pounds, and if he is any other person, Ten Pounds, for each offence, to be recovered in a summary manner. The imposition of such a penalty shall not bar the right of action of any person injured or his personal representatives under this Act or otherwise.

210 Every person employed in or about any mine or works, or in charge of any machinery used thereon, who while so employed or in charge shall be guilty of neglect of duty, or of unseemly or riotous conduct or behaviour, or is in a state of intoxication, shall be guilty of an offence against this Act, and liable to a penalty not exceeding Ten Pounds.

211 No person shall be liable to be proceeded against for any offence against this Part of this Act unless an information is laid in respect thereof within Six months after the offence is committed.

212 For the purpose of any proceeding taken under the provisions of this Act against any person alleged in such proceeding to be the mining manager or person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine, or of any operations at any works, the burden shall lie on the defendant of proving he is not such manager or person.

213—(1.) No prosecution shall be instituted against the owner or mining manager of a mine, or the owner or manager of any works, for any offence under this Act not committed personally by such owner or mining or other manager, which can be prosecuted in a summary way, except by an Inspector, or with the consent, in writing, of the Minister.

(2.) An Inspector shall not institute any prosecution against the owner or mine manager of a mine, or the owner or manager of any works, if he proves to the satisfaction of the Inspector that he had taken all reasonable means to prevent the commission of the offence.

(3.) All costs incurred by the Inspector, or which may be awarded against him in any proceedings under this Act, shall be paid out of the Consolidated Revenue Fund, and the Inspector shall not be personally liable for the same.

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PART IX.

DRAINAGE OF MINES.

214 In the construction of this Part of this Act, the following words and expressions, if not repugnant to the context, shall have the meanings hereby assigned to them respectively (that is to say):—

Interpretation.
Cf. 64 Vict. No.
61, s. 107 (Tas.).

“Crown land” includes all lands of the Crown;

“Crown land.”

“Machinery for drainage” means and includes all appliances, including tunnels used for the purpose of raising, lifting, or draining water, whether worked by steam, water, horse, or other power:

“Machinery.”

“Mine” means and includes all land or ground held, occupied, or used by any person for mining purposes:

“Mine.”

“Mining purposes” means the purpose of obtaining gold or any other metal or mineral by any mode or method of mining, and of stacking or otherwise storing any earth:

“Mining purposes.”

“Owner of any machinery for drainage” includes the mortgagee in possession, and any person, whether engaged in mining or in mining in conjunction with drainage or in drainage works only: and

“Owner of any machinery”

“Owner of any mine” shall apply only to any person using or occupying any land or ground (whether Crown land or private property) for mining purposes.

“Owner of any mine.”

215—(1.) The owner of any machinery for drainage already erected or hereafter to be erected may require the owner of any mine, the workings of which have reached the natural water-level drained by such machinery, to contribute a fair share of the total expense of draining or drawing the water from the mines drained by such machinery.

(2.) In default of payment, or in case of disagreement respecting the amount of such share, the owner of such machinery may upon filing a plaint in the appropriate Warden's Court, summon the owner of any such mine before the Warden's Court, and the Court shall hear and determine the matters in dispute, and may make an order on such owner to pay such sum or sums periodically or otherwise to the owner of such machinery as the Court thinks just and reasonable: Provided that no owner of any mine shall be required to pay any contribution exceeding the amount of the benefit actually derived by him in respect of such drainage.

Owners of
pumping
machinery may
require
contribution from
owners of claims
for the drainage
thereof.
Vide 1 Ed. VII.
No. 75, s. 50
(N.S.W.).
64 Vict. No. 61,
s. 108 (Tas.).
3 Ed. VII. No.
15, s. 166 (W.A.).
54 Vict. No. 1120,
s. 378 (Vic.).

(3.) The Court may, upon making such order, impose on the owner of such machinery such terms with regard to the efficient working thereof for the benefit of all parties as to the Court seems just, and order the same to be performed, or may make such other order concerning the premises as the justice and equity of the case may demand, and may from time to time annul, vary, or alter any order so made.

(4.) The Warden shall, upon any order being so made, forward a copy thereof to the Secretary for Mines, who shall record the same in his office.

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Calculation of
expense of
drainage.*Vide ibid.* (Tas.),

s. 109.

Ibid. (N.S.W.),

s. 51.

Ibid. (W.A.),

s. 167.

Ibid. (Vic.),

s. 379.

Ibid. (Tas.),

s. 110.

No contribution
to be demanded
in certain cases.
Mode of
calculating
amount of
contribution.*Ibid.* (Tas.), s. 111.*Ibid.* (N.S.W.),

s. 52.

Ibid. (W.A.), s.

169.

Ibid. (Vic.),

s. 381.

Work done by
owners.*Ibid.* (Tas.), s. 112.*Ibid.* (W.A.),

s. 170.

Ibid. (Vic.),

s. 382.

Form of Order.
Schedule.*Ibid.* (N.S.W.),

s. 53.

Ibid. (Vic.),

s. 382.

Not to be set aside
for want of form.Enforcement of
Warden's order.*Ibid.* (N.S.W.),

s. 54.

Ibid. (Tas.), s. 113.*Ibid.* (W.A.),

s. 171.

Ibid. (Vic.),

s. 384.

216—(1.) The expense of the drainage effected by the owner of any machinery for drainage shall be arrived at by calculating—

- i. The interest on the value of machinery and plant used for drainage purposes only :
- ii. The wear and tear of such machinery and plant :
- iii. The cost of oil, grease, and packing :
- iv. The proportionate cost of fuel expended or of horses employed in drainage operations :
- v. The wages of engine-drivers and of other persons in such proportions as such persons may be deemed to be employed in draining a mine : and
- vi. Such other expenses as the owner can prove have necessarily been incurred in respect of the drainage effected by any such machinery.

(2.) And in determining such expense, if the whole or any part of the water raised by such machinery is used by the owner of such machinery for mining purposes, the value of such water shall be ascertained and deducted.

217—(1.) No contribution towards the expense of drainage shall be demanded for any period during suspension of drainage operations.

(2.) In determining what amount of contribution towards the expense of the drainage effected by the owner of any machinery shall be paid in respect of any mine, regard shall be had to the total length of reef or lode or to the extent of the lead or deposit affected by the draining operations of such machinery, and to the amount of the benefit derived by the owners of mines from such operations ; and the share to be contributed in respect of each mine drained shall be proportioned as nearly as may be to the length of such reef or lode or the extent of such lead or deposit contained within each such mine, and to the amount of benefit so derived.

(3.) The owners of each mine liable so to contribute shall receive credit for the value of any work they perform in assisting to drain, and such value shall be added to the general expense of drainage.

218 Any order made by a Warden's Court in exercise of the jurisdiction or powers conferred by this Part of this Act shall be in the form in the Third Schedule to this Act, or to the like effect, and shall be signed by the Warden, and be valid and effectual without any recital or statements necessary to show jurisdiction ; and no order of a Warden's Court under this Part of this Act shall be set aside or declared invalid in any Court whatsoever for want of form.**219**—(1.) Where an order of a Warden's Court under this Part of this Act for the payment of money to the owner of any machinery for drainage (whether such money was ordered to be paid at one time or in periodical payments) is unsatisfied in whole or in part, and whether after previous executions or not, for Fourteen days or upwards, the Warden of the Court making such order may, on the application of such owner of machinery for drainage, or his attorney, issue to the

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applicant a certificate in the form in the Fourth Schedule to this Act, A.D. 1905.
or to the like effect.

(2.) Such owner of machinery or his attorney may file such certificate with the Registrar of the Supreme Court, and thereupon execution may issue, and all such proceedings be had and taken to enforce payment of the moneys mentioned in such order, as upon a decree or order of the Supreme Court.

(3.) Where the order of the Warden's Court imposes upon the owner of machinery any terms with regard to the efficient working of the machinery or otherwise, such terms may be enforced in the same manner as orders by a Warden's Court other than orders for the payment of money may be enforced under this Act; and the Warden may suspend the enforcement of so much of the order as directs the payment of money to the owner of machinery until such terms have been carried out.

220 Whenever and so soon as any order of a Warden's Court made under this part of this Act is filed with the Registrar of the Supreme Court, the moneys directed in such order to be paid shall, so long as any part thereof remains unpaid and unsatisfied, become and be a charge, subject to prior encumbrances, upon the estate or interest of the owner of the mine in respect of which the money mentioned in such order is directed to be paid, in the Crown land or private lands occupied or used for mining purposes by the owner of the mine, and upon all plant and machinery thereon, and all property of the owner of the mine in such land, plant, and machinery; and the Warden of the Court making such order may by his order restrain the sale or other disposal or transfer of such interest in the land, plant, machinery, or property until such moneys have been paid; but this provision shall not be deemed in any way to lessen the right of seizure and sale of such land, plant, machinery, and property under any execution issued for the realization of the moneys ordered in such order of the Warden's Court to be paid or contributed.

Certified order to be a charge on property of mine-owner.

Ibid. (Tas.), s. 114.

Ibid. (N.S.W.),

s. 54.

Ibid. (W.A.),

s. 172.

Ibid. (Vic.),

s. 385.

Wardens may restrain sale of such property until moneys paid.

221 The remedies provided in the Two last preceding Sections shall be in addition to and not in derogation of any of the remedies given in or by any other Section of this Act, and shall not be construed to in any way lessen or take away any of the jurisdiction, power, or remedies created or given in or by any such other Section.

Remedies in this division to be cumulative.

Ibid. (Tas.), s. 115.

Ibid. (W.A.),

s. 173.

Ibid. (Vic.),

s. 386.

PART X.**DEPOSIT OF TAILINGS.**

222 The Governor, at any time from time to time, and either by particular or general description, may set apart, by Proclamation, any portion of Crown lands for the construction of tail-races or sludge-channels, or for the deposit of tailings and *débris* from any mine, work-

Governor in Council may set apart Crown lands for deposit of tailings.

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64 Vict. No. 61,
s. 116 (Tas.).Governor in
Council may pro-
claim water-
courses for receiv-
ing tailings, &c.*Ibid.*, s. 117.

ings, or mining operations, or for the discharge of water, tailings, and refuse therefrom.

223—(1.) The Governor from time to time, by Proclamation published in the *Gazette*, may proclaim and declare that any watercourse or part of any watercourse shall be a watercourse into which tailings, mining *débris*, and waste waters of every kind used in, upon, or discharged from any mining tenement or claim shall be suffered to flow or be discharged, and in like manner may withdraw any such watercourse from the operation of this Act.

(2.) Before any such Proclamation shall be made as herein provided, the Minister shall cause not less than Ninety days' notice of the fact that it is proposed to proclaim a watercourse or part of a watercourse for the purposes aforesaid to be published Twice in the *Gazette* and at least Twice in a newspaper circulating in the district where such watercourse or part thereof may be situated, stating the name and locality of such watercourse or part thereof; and any person whose rights may be or appear to be injuriously affected shall be at liberty to transmit to the Minister any objection such person may have to the making of such Proclamation.

(3.) If, notwithstanding any such objections, the Governor shall decide to exercise the powers hereby conferred upon him, such Proclamation shall prescribe a day on which the same shall take effect.

(4.) "Watercourse" means and includes any river, stream, creek, pool, or any portion thereof, or any tributary thereof mentioned or included in any such Proclamation, and whether within the limits of a proclaimed mining field or not; but in any such Proclamation it shall be sufficient to describe the watercourses affected by it in general terms.

Compensation to
former land-
owners on banks
of watercourses.
Ibid., s. 118.

224 From and after any such Proclamation taking effect, all persons being the owners of, or having any lesser estate or interest in the fee simple of any lands through, in, or past which any such watercourse may flow, whose rights may be injuriously affected by any such Proclamation shall be entitled to receive compensation for such injury, to be settled by agreement between the Minister and the claimants within the time hereinafter mentioned, or determined by arbitration, and the Minister and the claimants shall be deemed parties to a submission to such arbitration:—

Claims, how to be
made.

1. Every claim for compensation under this Section shall be made within Twelve months after the date of such Proclamation, and shall include the claimant's full demand in respect of injury or damage to any land through, in, or past which any watercourse may flow occurring after the date of the publication in the *Gazette* of such Proclamation, and which may be likely to occur prospectively after it takes effect, and the arbitrators may require any claim not made in conformity herewith to be amended; but every such demand shall be included in one claim, and heard and determined in the manner provided by this Act:

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Nothing herein contained shall bar the right to compensation under the provisions of this Act of any person being on or previously to the date aforesaid owner of, or having any lesser estate or interest in the fee simple of any such land other than the person whose claim has been agreed upon or ascertained as aforesaid, and all persons claiming from, through, or under him: A.D. 1905.

- ii. Payment of compensation when agreed upon or ascertained under this Part of this Act, or an offer in writing to pay the same, shall effectually bar the person making such claim, and all persons claiming from, through, or under him, from all further claims of any kind whatsoever in respect of any such injury, or damage, past, present, or future, or arising in any manner from the operation of such Proclamation or any subsequent Proclamation of the same watercourse; and such compensation, when so agreed upon or ascertained, shall be deemed to be settled once for all against all claimants:
- iii. The compensation agreed to be paid, or that may be ascertained under this Part of this Act, for or in respect of any such claim, shall not exceed the value of the property to which such injury or damage has occurred, according to the valuation thereof in the Assessment Book in force for the time being under "The Assessment Act, 1900," or any Act amending the same, at the date when the Proclamation declaring the watercourse has been first published in the *Gazette*: 64 Vict. No. 4.
- iv. A notification in the *Gazette*, signed by the Minister, that any such claim has been settled by agreement or determined by arbitration, as provided by this Act, shall be sufficient notice of the fact to all persons concerned or interested, or that may thereafter be concerned or interested, in such land that no further claim or demand can be made in respect of the injury or damage thereto occasioned by the operation of any such Proclamation:
- v. If the Governor considers the amount of compensation agreed upon or ascertained under this Part of this Act to be excessive, he may revoke any such Proclamation, and thereupon all costs and expenses of and incidental to any arbitration or award under this Part of this Act shall be payable by the Minister:
- vi. Regulations may be made by the Governor prescribing the mode in which any award under this Part of this Act shall be recorded on any instrument of title or other document that may be in evidence before the arbitrators, or be required to be produced for the purposes of such arbitrators, with such particulars of the claim heard and determined as the arbitrators think fit, and also for requiring and compelling the production of such instruments or documents accordingly:

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vii. All charges and expenses incurred by the Minister in carrying out the provisions of this and the last preceding Section shall be paid out of the same fund as the compensation is paid.

Purchasers of land on watercourses after this Act comes into operation, to acquire no riparian rights. *Ibid.*, s. 119.

225 No person who since the Fourteenth day of *November*, One thousand eight hundred and ninety-three, has purchased, leased, or occupied, or who after the day on which this Act comes into operation purchases, leases, occupies, or otherwise acquires any Crown land within a mining field under any law for the time being in force regulating the sale or acquisition of such lands, shall be deemed—

- i. To have any right or title to any watercourse, or the water flowing therefrom, running through, in, or upon such lands which would interfere with or prejudice the right of any holder of a lease or claim to discharge into such watercourse any tailings, mining *débris*, or waste water produced or used in or upon any demised land or claim within a mining field :
- ii. To be entitled to recover or claim any compensation or other payment for damage caused by reason of the deposit or flow of tailings or mining *débris* into any such watercourse.

PART XI.**ADMINISTRATION OF JUSTICE.***The Warden's Court. Wardens.*

Sittings of Court. Cf. 62 Vict. No. 38 (N.Z.), s. 253.

226 With respect to the Warden's Court the following provisions shall apply—

- i. The Court may be held at such times and in such convenient places, whether within or outside its district, as the Warden thereof from time to time appoints :
- ii. Every Warden shall generally and as far as practicable hear evidence and arguments and pronounce the decision of the Court in a Court House or convenient room at a place appointed by a Warden for holding his Court, and (except as provided in Section Two hundred and thirty-eight of the Act) not on the ground which is the subject-matter of dispute, but at the discretion of the Court or at the request of the parties, or either of them, the Warden or the Warden and Assessors may receive the evidence of witnesses, and may give their decision on the ground :
- iii. The Court may be held before a single Warden, although more Wardens than one are appointed for the district :
- iv. Every power, authority, function, or discretion by this Act vested in a Warden's Court may be exercised by the Warden :

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- v. Every Warden's Court shall be a Court of Record : A.D. 1905.
 vi. All summonses, warrants, orders, and other process issued out of the Court shall be signed by the Warden or the Clerk authorised by the Warden, and shall have legal effect and operation throughout the State. —

227 In the case of the illness or absence on leave or otherwise of a Warden, or on an emergency, another Warden may, at the request in writing of the first-mentioned Warden or of the Minister, exercise all or any of the powers and perform all or any of the duties which that Warden might have exercised or performed, and the fact of any other Warden so acting shall be conclusive evidence of his authority so to do. Power for Warden to perform duties of another Warden. Cf. 62 Vict. No. 24 (Q.), s. 107.

228 In case of the illness or absence of a Warden, or on any emergency, the Governor may appoint some fit and proper person to discharge the duties of a Warden, and such officer shall have the same jurisdiction and all the powers and authorities conferred upon a Warden by this Act, and shall, while so acting, be a Justice of the Peace for *Tasmania* by virtue of his office. Power to appoint Acting-Warden. Cf. *ibid.* (Q.), s. 108.

Jurisdiction.

- 229** The Warden's Court shall have jurisdiction to hear and determine all actions, suits, claims, demands, disputes, questions, and other proceedings cognisable by any Court of civil jurisdiction as arise within the district concerning the following matters ; that is to say—
- i. Area, dimensions, and boundaries of mining tenements :
 - ii. Forfeiture of claims or of surplus ground :
 - iii. Title to and ownership or possession of mining tenements or the products of mining :
 - iv. Questions or disputes relating to water or water-rights :
 - v. Encroachments upon, infringement of, or injuries to mining tenements :
 - vi. Specific performance of contracts relating to mining tenements or mining :
 - vii. Transfers and other dispositions of or charges upon mining tenements :
 - viii. Trusts relating to mining tenements or mining :
 - ix. Partnerships relating to mining tenements or mining, the existence, formation, and dissolution thereof, the taking of accounts connected therewith, the contributions of the partners as between themselves, and the determination of all questions arising between the partners :
 - x. As to contribution between joint lessees or holders or persons holding shares in any mining tenement towards the rent of or expenses of prospecting or mining the land :
 - xi. Encroachment or trespass upon or injury to land by reason of mining, whether held under the provisions of this Act or otherwise howsoever :
- Matters in respect of which Warden's Court to have jurisdiction. Cf. 3 Ed. VII. No. 15, s. 282 (W.A.).

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- xii. Encroachments upon, injuries to, and the determination of all questions concerning roads, tramways, railroads, or fences constructed, held, or occupied under any Act relating to mining:
- xiii. The improper or unauthorised removal of gold or other minerals from any mining tenement:
- xiv. The determination of the amount to be paid to the owner or occupier of private lands for any works authorised under this Act, including (if necessary) any compensation to be paid for the occupation of land prior to notice being given under the provisions of this Act:
- xv. And generally concerning all contracts, torts, questions, or disputes of any kind relating to mining tenements or mining, or to any matter in respect whereof jurisdiction is elsewhere by this Act conferred upon the Court or the Warden, whether the parties thereto are or are not engaged in mining operations.

Procedure when
action not com-
menced in appro-
priate Warden's
Court.

64 Vict. No. 64,
s. 14 (N.Z.).

230 Where an action, suit, or other proceeding which should have been commenced in the Warden's Court in one district is commenced in the Warden's Court in another district, the following provisions shall apply:—

- i. At any stage of the proceedings, of its own motion or on the application of any of the parties, and on such terms as to costs and otherwise as it thinks fit, the Court in which the action is commenced may by order remove it into the appropriate Warden's Court:
- ii. The Clerk of the Court by which the order is made shall transmit the papers filed in that Court to the Clerk of the appropriate Warden's Court, who shall file the same, whereupon the action shall be heard and disposed of in that Court in like manner as if it had been duly commenced therein on the day on which the papers are filed by the Clerk of the latter Court as aforesaid:

Provided that the day and place of trial shall be fixed by the Warden of the appropriate Warden's Court:

- iii. The Governor may from time to time make such Regulations as he thinks fit in order to give effect to this Section, and prescribe the practice as to the removal of actions.

Decisions outside
district.
Ib., s. 15 (N.Z.).

231 Where the Warden gives a decision outside a district, such decision shall for all the purposes of this Act be deemed to be given in the district in which he usually exercises jurisdiction.

Offences against
this Act.
Cf. 64 Vict. No.
61 (Tas.), s. 144.

232 All informations or complaints in respect of offences against this Act, or the Rules or the Regulations made hereunder, and all penalties imposed for any breach thereof (not being a penalty in lieu of the forfeiture of a lease), shall be heard, determined, and recovered in a summary way before a Warden according to the provisions of *The*

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Magistrates Summary Procedure Act, which provisions (other than those relating to appeals) shall, *mutatis mutandis*, apply in like manner as if the Warden were a Justice of the Peace acting under the authority of that Act ; and the law of evidence applicable to summary proceedings before Justices of the Peace shall regulate and apply to proceedings and matters to be heard and determined in a summary way before a Warden. A.D. 1905.

233 Whenever any claim is in dispute between any Two or more persons, or any question arises as to any right, title, or interest to or in any claim, it shall be lawful for a Warden, of his own motion or upon the application of any of the parties, by his order, to prohibit the occupation of such claim, or any mining therein, by any or either party, until the dispute or question shall be finally settled ; and any person who wilfully disobeys or infringes any such order shall forfeit and pay a penalty not exceeding Twenty Pounds. Warden may prohibit mining until case heard and determined. *Ibid.* (Tas.), s. 146.

234—(1.) Except where otherwise prescribed, every action, suit, or other proceeding in the Warden's Court in its civil jurisdiction shall be commenced by plaint in the prescribed form, and such plaint shall be tried either— Mode of commencing action. Cf. 62 Vict. No. 38 (N.Z.), s. 260.

- i. Before the Warden alone : or
- ii. Before the Warden sitting with Two Assessors selected by the Warden as prescribed by Regulation.

(2.) The Governor may from time to time make Regulations—

- i. For determining the mode or manner in which Assessors shall be summoned and selected :
- ii. For prescribing the fees and expenses to be paid Assessors, and how and by whom the same shall be paid :
- iii. For prescribing the form of oath or affirmation to be taken or made by Assessors : and
- iv. For determining and regulating the practice and procedure in a Warden's Court when the Warden sits with Assessors.

235—(1.) A plaint may be tried by the Warden and Assessors—

- i. If the relief claimed or the value of the property involved in the claim exceeds Fifty Pounds, and any of the parties thereto, by memorandum in the prescribed form filed in the Court not later than Seventy-two hours before the time appointed for the trial, demands that it be so tried : or
- ii. If on the application of any of the parties to the claim the Warden orders that it be so tried : or
- iii. If in the absence of any such application the Warden is of opinion that the claim can be more conveniently so tried, and makes order accordingly.

When plaint to be tried by Warden and Assessors. Cf. *ibid.* (N.Z.), s. 261.

(2.) Where a plaint is tried by a Warden sitting with Two Assessors, the decision of the Warden and One Assessor shall be the decision of the Court, and be binding upon all parties.

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Otherwise before
Warden alone.
Cf. *ibid.* (N.Z.),
s. 262.

Cf. Local Courts
Act, 1896 (Tas.),
s. 138.

236 Except as aforesaid, every plaint in the Warden's Court shall be heard and tried before the Warden alone.

Procedure of Warden's Court.

237—(1.) This Act and the General Rules of Practice contained in the Second Schedule to this Act shall regulate the proceedings in Wardens' Courts held under this Act as to all matters to which they extend.

(2.) The Judges of the Supreme Court may from time to time alter or annul any such Rules of Practice, and make further or additional Rules for the administration of justice, and for carrying this part of this Act into effect.

(3.) All such alterations and further or additional Rules shall be published in the *Gazette*, in the same manner as the General Rules of the Supreme Court are published therein.

(4.) The Judges of the Supreme Court may from time to time make, alter, or annul General Rules of Practice, fixing the Court fees, witnesses' expenses, and the fees and charges, as between party and party, to be paid to practitioners for appearing and acting in a Warden's Court.

(5.) Every Rule of Practice made in pursuance of this Section shall be laid before each House of Parliament within Fourteen days next after it is made, if Parliament is then sitting, or if not, within Fourteen days after the commencement of the then next ensuing Session; and if an Address is presented to the Governor by either House of Parliament within the next subsequent Fourteen days on which the said House shall have sat, praying that any such Rule of Practice may be annulled, the Governor may thereupon, by Order in Council, annul the same, and the Rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(6.) Where the practice or procedure of the Warden's Court is not sufficiently defined by this Act or the Rules of Practice for the time being in force, the practice and procedure of Local Courts under "The Local Courts Act, 1896," and its Amendments, shall be adopted as far as possible, and if such practice and procedure are insufficient in any case, then the general principles of practice in the Supreme Court in its ordinary jurisdiction shall be adopted and applied to actions and proceedings under this Act.

Warden may
decide summarily
by consent.
Cf. 62 Vict. No.
24 (Q.), s. 113.

238 Notwithstanding anything in this Act, or in the Regulations or Rules of Practice, to the contrary contained, it shall nevertheless be lawful for the Warden, upon oral or written complaint of any party, with the consent of both parties, immediately on the making of such complaint, or at any time agreed on by the parties, and at any place (whether appointed a place for holding his Court or not), to investigate the matter of such complaint and to inquire into the case, and on his own view or the oath of any witness to determine the same in a

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summary way, and without requiring any formal proceeding to be taken, and thereupon to exercise all and every the powers and authorities vested in the Warden's Court in the same manner in every respect as if the case had been heard upon plaint and notice of defence in the usual way. A.D. 1905.

In all cases where such consent is given the decision of the Warden shall be final, and there shall be no right of appeal in such cases.

The Warden shall in every such case make an entry of the grounds of complaint and defence or cross-relief and of the decision.

239 With respect to all proceedings in the Warden's Court, the following provisions shall apply :—

Mode of trial :
costs.
Cf. 3 Ed. VII.
No. 15, s. 236
(W.A.).

- i. The hearing shall be in open Court, at the time and place appointed in that behalf: Provided that, if for any reason the Court cannot be held at the time and place appointed, the Warden or the Clerk may adjourn it to such other time or place as the Warden, or, in the absence of the Warden, as the Clerk appoints in that behalf:
- ii. The hearing may be adjourned by the Court from time to time, or from place to place, in such manner and on such terms as to costs or otherwise as the Court thinks fit:
- iii. The Warden may administer oaths:
- iv. Every witness shall be examined on oath or affirmation:
- v. If any person, being summoned in the prescribed manner to attend, whether as assessor or witness, fails to duly attend at the time and place named in the summons, or attending departs without the leave of the Warden, or attending refuses so be sworn as assessor or witness, or to serve as assessor, or to answer any lawful question put to him as a witness, the Court may forthwith inflict on him a penalty not exceeding Five Pounds unless reasonable cause for such failure or refusal is made to appear to the Court:
- vi. The Court, upon such terms as to costs or otherwise as it thinks fit, may by order grant time to any party for any purpose, add or strike out parties, and generally do whatever it deems expedient for the purpose of effectively disposing of the matter before it, according to the substantial merits of the case:
- vii. The costs shall be in the discretion of the Warden, and he shall fix them, or may direct them to be taxed.

240 Any minor of the age of Fifteen years or upwards may sue and be sued in the Warden's Court in the same manner in all respects as if he were of full age.

Minors aged
Fifteen years or
upwards may
sue and be sued.
Cf. *ibid.* (W.A.),
s. 237.

Powers of the Court.

241 At any stage of any proceeding, the Court, of its own motion, or on the application of any of the parties, and on such terms as to

Powers of Court.
Cf. *ibid.* (W.A.),
s. 238.

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costs or otherwise as it thinks fit, may exercise any of the following powers :—

- i. It may order any person having the possession, custody, or control of gold, mineral, or any other chattels whatsoever to deposit the same with such person, within such time, and in such place, as are named in the order, there to abide the further order of the Court :
- ii. It may cause all such gold, mineral, or chattels to be valued :
- iii. It may cause all or any such gold, mineral, or chattels to be delivered up to be ratably apportioned amongst the persons found by the Court to be entitled thereto :
- iv. It may order such gold, mineral, or chattels, or a sufficient part thereof, according to the value, ascertained as aforesaid, belonging to any party against whom an order has been made by the Court for the payment of money to any other party, to be delivered to such other party in or towards satisfaction of such order :
- v. It may order the sale in such manner and upon such terms as it thinks fit of any gold, mineral, or chattels :
- vi. It may order money deposited with the Clerk, Mining Registrar, or other officer of the Court to be held to abide the future order of the Court or Warden :
- vii. If default is made in duly complying with any such order for the deposit, valuation, or delivery of gold, mineral, or other chattels, the Court may cause them to be seized and held by the bailiff or other officer until the further order of the Court :
- viii. It may order and compel any mining operations to be suspended until the further order of the Court, or to be carried on by or under the direction and control of a person appointed by the Court :
- ix. If any order under Sub-section vii. hereof is made on the application of any party to the proceedings, such party may be subsequently ordered to pay such reasonable compensation (if any) as the Court directs to any other party who suffers damage by the operation of the order :
- x. It may order a survey, plan, or measurement of any land, or mining tenement, or any part thereof, to be made by any person :
- xi. It may inspect any land, mine, or mining tenement, or order the same to be inspected, and may take judicial notice of anything observed in the cause of such inspection :
- xii. It may order, on such terms and in such manner as it thinks fit, the dissolution of a mining partnership, the taking of accounts between the members thereof, the payment of amounts found to be due by any partner to any other partners, the sale of the partnership property, and disposal of the proceeds thereof :

64 Vict. No. 61
(Tas.), s. 151,
ss. IX.

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- xiii. It may take accounts between joint lessees to determine the contributions to be made by one of Two or more joint lessees to the other or others of them towards the rent payable under the lease, or the cost of prospecting and mining operations on the land demised, and compel payment thereof: A.D. 1905.
Ibid., ss. x.
- xiv. When making any order under this Section, the Court may require such one or more of the parties as it names in that behalf to deposit with the Clerk, Mining Registrar, or other officer of the Court, such sum as the Court thinks reasonable in respect of the expenses of and incident to the carrying out of such order :
- xv. Such expenses shall be fixed by the Court, and shall ultimately be payable by such parties and in such manner as the Court directs.

242—(1.) The Court may at any stage of proceedings before it, of its own motion, or on the application of any party to the proceedings, and on such terms as to costs, expenses, or otherwise as to the Court may seem fit, by order authorise any person to enter on any land, mine, or mining tenement to ascertain whether any encroachment exists, or there is any influx of water therefrom, or any accumulation of water thereon, or for any other purpose. Power to
authorise entry
and inspection.
Ibid. (W.A.),
s. 239.

(2.) Every person so authorised may thereupon enter upon the land, mine, or mining tenement described in the order, descend any mine or shaft, and make such examination, and such survey, sections, and plans as he may deem necessary, and avail himself of the engines, machinery, and appliances used in the ordinary operations of the mine.

(3.) If any such person shall, except as a witness in a court of justice, without the consent in writing of the owner or occupier of the land, mine, or mining tenement to be entered upon, divulge to any person whomsoever any information obtained upon or by such entry, otherwise than for the purposes thereof, he shall be liable to the penalties for an infringement of this Act.

243 The powers by the last preceding Section conferred upon the Court may, subject to the Regulations, be exercised on the application of any person prior to the actual commencement of an action or other proceeding if the Court is satisfied that the applicant is or *bonâ fide* claims to be entitled to any land, mine, or mining tenement, and believes that the same is or may be encroached upon, or that there is any influx of water therefrom, or any accumulation of water thereon. When such
powers may be
exercised.
Ibid. (W.A.), s.
240.

244 In all matters within its jurisdiction the Court shall have power to enforce contracts, award damages, appoint receivers, grant prohibitions, injunctions, attachment orders, and charging orders; to add, join, substitute, or strike out parties; to impose penalties; to cause sales of mining tenements and chattels the subject-matter of any proceeding; to cause gold, metals, minerals, and other chattels to be General powers
of Court.
Ibid. (W.A.),
s. 241.

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restored to any person or place whence they have been improperly or unlawfully taken or removed, or to be deposited for safe custody with any person or in any place, or to be summarily seized; to summon witnesses, award costs, and generally make such orders and give such judgments as it deems proper.

Interim
injunctions.
Ibid. (W.A.), s.
242.

245 If by reason of the pressing emergency of any particular case it seems proper to the Warden so to do, he may, on the application of any party to any action or other proceeding, without notice to any other party, grant an interim injunction to be in force for a period not exceeding Seven days, or until the same shall be sooner discharged.

Notice of injunction to be given to the Secretary for Mines.
Ibid. (W.A.), s. 243.

246 Upon the granting of any injunction relating to any lease the Warden shall at once notify by telegraph or, if there is no telegraph, by letter to the Secretary for Mines the fact of such injunction being granted and the particulars thereof, and on receipt of such notice an entry of such injunction shall be made in the register of gold-mining or mineral leases, as the case may be, against the lease affected thereby.

Order for possession.
Ibid. (W.A.), s. 244.

247 If any action or proceeding in a Warden's Court shall be for the possession or recovery of any land or mining tenement, or any gold, mineral, or earth, or any share or interest therein, the Court shall determine the right to the same, and may fix the boundaries of any land if necessary so to do for the purpose of terminating the dispute, and shall determine whether any and what sum, in the nature of mesne profits, may be paid to the complainant.

And the Warden may order possession of such land, mining tenement, gold, mineral, or earth to be delivered to the complainant, and any such sum to be paid to him, and may cause the complainant to be put in possession of any land or mining tenement, and any defendant or his servants to be ejected therefrom.

How judgments and convictions to be enforced.
Ibid. (W.A.), s. 245.

248 Subject to the express provisions of this Act in that behalf every judgment, decision, or order of the Court in civil proceedings may be carried out and enforced in like manner in all respects as if it had been given or made in civil proceedings in a Local Court held under "The Local Courts Act, 1896"; and every conviction or order of the Court in criminal proceedings, or proceedings imposing a penalty, shall be carried out and enforced in like manner in all respects as if it had been obtained or made in summary proceedings before Justices of the Peace.

By whom warrants may be served.
Ibid. (W.A.), s. 246.

249 Every warrant, order, or other process of the Court may be served or executed and put in force by any bailiff of any Warden's Court or Local Court without it being necessary for him to be specifically named therein, or by any other person to whom it is, whether before or after issue, specially directed by any Warden, Mining Registrar, or Clerk of any such Court.

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250 It shall be lawful for any Warden to impose a penalty not exceeding Fifty Pounds upon any person who neglects or refuses to comply with any notice or to obey any decision or order lawfully given or made under this Act or any Regulations made hereunder (such neglect, refusal, or disobedience not being punishable or enforceable in any other way), and a further penalty not exceeding Five Pounds for every day during which such neglect, refusal, or disobedience continues; and the payment of any such penalty may be enforced in the same manner as costs and expenses ordered to be paid by a Warden under this Act; and the whole or any part of such penalty may, in the discretion of the Warden, after deducting the costs, be applied towards indemnifying the party injured by such neglect, refusal, or disobedience.

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Warden may impose a penalty for disobedience of order.

64 Vict. No. 61 (Tas.), s. 158.

251 In any proceedings brought before any Warden under this Act or the Regulations made hereunder, the parties thereto may, previously to the hearing thereof, agree to accept the decision of the Warden as final; and a memorandum of every such agreement shall be entered by the Warden, and kept by him; and no appeal shall in such case be made from the decision of the Warden.

Agreement to bar appeal.

Ibid. (Tas.), s. 159.

252 No action or proceeding shall be dismissed or vitiated because of any informality; nor shall any objection be taken or allowed on the ground of any alleged defect or misnomer or inaccurate description, or of any variance between the relief claimed and the relief which the claimant appears to be entitled to, or between the complaint and the evidence adduced in support thereof; but in every instance the proceedings shall be amended by the Court so that the actual subject-matter in dispute may plainly appear and be adjudicated upon according to the substantial rights of the parties.

No proceedings to be dismissed for informality.

Ibid. (W.A.), s. 247.

Provided that whenever it appears that any of the parties is deceived or misled, or that any injustice would be done by proceeding at once with the hearing, the Court may adjourn the proceedings upon such terms as to costs or otherwise as it thinks fit.

253 With respect to every judgment, conviction, or order of the Court, the following provisions shall apply:—

Record and formal drawing up of judgments.

Ibid. (W.A.), s. 248.

- i. A minute thereof shall be entered in a register kept for the purpose, and no other record thereof shall be necessary:
- ii. If any of the parties so requests, or if the Warden thinks fit, or if notice of appeal is given, it may at any time thereafter be formally drawn up under the hand of the Warden or Clerk:
- iii. It shall not be void, quashed, or vacated for want of form.

254 For the purpose of enabling the Court the more effectually to exercise the jurisdiction and powers conferred upon it by this Act, or the Regulations or Rules, and to enforce obedience to its judgments and orders, and to punish disobedience thereof, it is hereby declared

Additional powers of Court.

Ibid. (W.A.), s. 249.

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that, in so far as no sufficient provision in that behalf is elsewhere contained in this Act, the Court and the Warden thereof shall be deemed to have and may exercise all the powers of the Supreme Court or a Judge thereof.

Punishment of
persons guilty of
contempt.

Ibid. (W.A.), s.
251.

255 Whenever, in the course of any proceedings before the Court, any person insults the Warden or any officer of the Court, or interrupts the proceedings, or in any other manner is guilty of contempt in the face of the Court, the following provisions shall apply:—

- I. Such person may, by written or verbal direction of the Court, be taken into custody by the bailiff or any police officer or constable, with the assistance, if necessary, of other persons, and be detained until the rising of the Court:
- II. Instead of discharging such person at the rising of the Court, the Warden may inflict any penalty not exceeding Five Pounds, and in default of payment commit him to prison for any term not exceeding Seven days, or may commit him to prison for any such term without inflicting any such penalty.

Rules for conduct
of business.

Cf. 62 Vict. No.
38 (N.Z.), s. 273.

256 The Warden may from time to time make such Rules, not inconsistent with this Act, as he thinks fit, in order to regulate the orderly conduct of the business of his Court.

Interpleader.
Ibid. (W.A.),
s. 252.

257 If any claim shall be made to or in respect of any goods or chattels taken in execution under process from a Warden's Court, or in respect of the proceeds or value thereof by any person, not being the party against whom such process shall have issued, the Warden may, upon application of the officer charged with the execution of such process, as well before as after any action brought against such officer, issue a summons calling before the Warden as well the party issuing such process as the party making such claim.

Thereupon any action which shall have been brought in any Court in respect of such claim shall be stayed, and the Court in which such action shall have been brought, on proof of the issue of such summons and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings taken therein after the service upon him of such summons, and the Warden shall adjudicate upon such claim and make such order between the parties in respect thereof, and of the costs of the proceedings, as to him shall seem fit.

Who may take
affidavits.
Ibid. (W.A.),
s. 253.

258 Any affidavit to be used in any Warden's Court or before a Warden may be sworn before any Judge of the Supreme Court or any Commissioner for taking affidavits, or before any Warden, Mining Registrar, or Justice of the Peace.

Copies of decision
or order to be
supplied.
Ibid. (W.A.),
s. 254.

259 Any person may, on payment of the prescribed fee, obtain a copy of any judgment, decision, or order of a Warden.

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260 A document purporting to be a copy of a judgment, order, or decision of a Warden, or of any document filed by, or of any entry in a register kept by a Clerk or Mining Registrar, and certified by the Clerk or Mining Registrar as a true copy thereof, shall be admitted in all Courts as sufficient evidence of such judgment, order, decision, document, or entry, and the signature of every Warden, Clerk, and Mining Registrar to any document shall be judicially noticed.

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Proof of decision of Warden's Court.

Ibid. (W.A.), s. 255.

261 Whenever any Warden is empowered or required by this Act to cause any act to be performed, and the mode of performing such act is not otherwise expressly provided for, it shall be lawful for any person authorised in writing by the Warden, or for any constable or police officer authorised in writing under the hand of such Warden, to perform such act, and all constables and police officers shall, if thereunto required, aid and assist any Warden or person authorised as aforesaid in the performance of his duty under this Act.

Mode of enforcing Warden's order where not specially provided for.

62 Vict. No. 24 (Q.), s. 134.

As to Rehearings.

262 The Warden's Court, on application in that behalf, may grant a rehearing of any suit decided; and with respect to every such application and rehearing the following provisions shall apply:—

Rules in respect to rehearings.

Cf. 62 Vict. No. 38 (N.Z.), s. 279.

- I. Within Ten days after the day on which the Court decided the suit the application for a rehearing shall be filed in the Court, and be served on the opposite party:
- II. The application shall be in the prescribed form, and shall specify the grounds thereof, and contain a notification that it will be made on the day after the day of service, or as soon thereafter as it can be heard:
- III. On proof of the service of the application the Court shall hear the same, and all objections thereto, and in its discretion may grant or refuse it, and in granting it may by order stay all proceedings on the original hearing pending the rehearing:
- IV. If the application is granted, the Court may grant it on such terms as to costs, notices, security, payment into Court, and otherwise as it thinks fit, and shall fix the time and place of the rehearing:
- V. All the provisions of this Act relating to the hearing of suits shall apply to the rehearing.

263 In any proceedings brought before a Warden under and by virtue of the provisions of this Act, or under and by virtue of any Regulations made hereunder, the evidence given by each person examined as a witness shall, at the request of any person interested in the proceedings, be put into writing at the time of the examination of the witness, and such depositions shall be read over to the witness, and shall be signed by the witness and by the Warden, and all such depositions shall be preserved by the Warden: Provided that such request may be made at any stage of the proceedings, but if made after

Evidence of witnesses to be put into writing. 64 Vict. No. 61 (Tas.), s. 161.

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the commencement thereof shall only have reference to the evidence of the witnesses who have not been examined at the time such request is made ; and all parties interested therein shall be entitled to demand from the Warden and have from him certified copies of such depositions, on payment for the same at the rate of Four Pence for each folio of Seventy-two words.

Special Cases reserved.

Special case may be reserved for Supreme Court. Cf. *ibid.* (W.A.), s. 256.

264 At any stage of any civil proceedings before it, the Warden's Court may reserve any question of law for the opinion of the Supreme Court, and with respect to every question so reserved the following provisions shall apply :—

- i. The Warden shall prepare a special case, setting forth the question so reserved, and shall transmit such case to the Registrar of the Supreme Court :
- ii. The Supreme Court may, if it thinks fit, send the case back to the Warden for amendment, and thereupon the same shall be amended accordingly, and the Judge's opinion shall be given after the case is amended :
- iii. The Registrar shall set the special case down for argument before a Judge of the Supreme Court, and the Judge's opinion on the special case shall, when given, be drawn up and transmitted by the Registrar to the Warden :
- iv. The costs of the proceedings shall be in the discretion of the Judge, and shall be fixed by him :
- v. Upon receipt of such opinion, the Warden's Court shall act in accordance therewith, and in the meantime no judgment or order of the Court shall affect the question so reserved :
- vi. When reserving any such question, or at any time before acting on the Judge's opinion thereon, the Warden's Court on the application of any party to the proceedings, and on such terms as it thinks fit, may make such order for an injunction or a receiver, or for payment of money into Court, or for giving security for damages and costs, or otherwise, and on such terms as the Court thinks fit.

Appeals.

Appeal to Supreme Court. Cf. *ibid.* (W.A.), s. 257.

265 Except as provided by Section Two hundred and seventy-eight, an appeal at the instance of any party aggrieved shall lie to the Supreme Court from any final judgment or order of the Warden's Court.

Appeal on fact or law. Cf. *ibid.* (W.A.), s. 258.

266 Every such appeal may, as the appellant thinks fit, be on matter of fact alone, or of law alone, or of both fact and law : Provided that there shall be no appeal on matter of fact from any summary conviction imposing a penalty, except as provided by *The Magistrates Summary Procedure Act*.

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267 With respect to every appeal the following provisions shall apply :—

- i. Within Ten days after the decision to be appealed from has been given, the appellant shall file with the Warden and serve on the other party notice in writing of intention to appeal, and shall at the same time lodge with the Warden, as deposit by way of security for the costs of appeal, the sum of Twenty Pounds, and such sum shall be available for the payment or part payment, as the case may be, of any costs which the Supreme Court may order the appellant to pay : Notice and grounds of appeal. Cf. *ibid.* (W.A.), s. 259.
- ii. Such notice of appeal shall specify whether the appeal is on matter of fact alone, or of law alone, or of both fact and law, and shall also state briefly the matters of law (if any) forming the grounds of appeal : Provided that on the hearing of the appeal the appellant shall not be limited to the grounds of appeal stated in such notice.

268 If the appeal is on matter of fact alone, or both fact and law, the appellant shall, within Fourteen days after notice of appeal was filed with the Warden, set down the appeal for hearing by filing with the Registrar of the Supreme Court a copy of— Setting down appeal. Cf. *ibid.* (W.A.), s. 260.

- i. The notice of appeal :
- ii. Any depositions taken, notes of evidence, and exhibits, in the original proceedings : and
- iii. The judgment or order appealed from, certified as correct under the hand of the Warden, Clerk, or Mining Registrar.

Provided that any such appeal of which notice has been filed before the commencement of this Act shall be so set down by the appellant for hearing within One calendar month after this Act comes into operation.

269 If the appeal is on matter of law alone, the following provisions shall apply :— Appeal on question of law. Cf. *ibid.* (W.A.), s. 261.

- i. The appeal shall be in the form of a special case to be agreed on by the parties, or if within Seven days after notice of appeal they cannot agree, then to be settled by the Warden at the request of either of them :
- ii. The special case, when agreed on or settled as aforesaid, shall be transmitted to the Registrar of the Supreme Court by the appellant, who shall also, within Thirty days after the notice of appeal was filed with the Warden as aforesaid, set the special case down for hearing, and give notice thereof to the other party.

270 If the appeal is on matter of fact alone, or of both fact and law, and the Supreme Court so orders, or the parties agree, the appeal shall be by way of rehearing ; but otherwise the appeal shall be heard and determined upon the evidence and proceedings before the Warden ; Appeal may be by way of rehearing. Cf. *ibid.* (W.A.), s. 262.

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Provided that the Supreme Court may in its discretion, or on the application of either of the parties, and upon such terms as to costs or otherwise as the Court thinks fit, direct any issue of fact to be tried by a jury, or may remit the matter in dispute to the Warden to be reheard by him.

When appeal
deemed to be
abandoned.

Cf. *ibid.* (W.A.),
s. 263.

271 The appeal shall in every case be deemed to be abandoned if the appellant:—

- i. Fails to duly file or serve such notice of appeal, or to duly lodge such deposit, within the time hereinbefore limited in that behalf: or
- ii. Fails to duly set down the appeal or special case for hearing within the time hereinbefore respectively limited in that behalf, or such extended time as the Supreme Court or a Judge thinks fit to grant, on application made by the appellant before the expiration of the time limited as aforesaid.

Proceedings when
appeal abandoned.
Cf. *ibid.* (W.A.),
s. 264.

272 Whenever an appeal is abandoned, the same proceedings may be had and taken in respect of the judgment or order appealed against as if no notice of appeal had been given.

Depositions, &c.,
may be used upon
hearing Appeal.
64 Vict. No. 61
(Tas.), s. 167.

273 Upon the argument upon any special case, and upon the hearing of any appeal, the notes, if any, taken by the Warden, and the depositions and documents taken or produced at the proceedings before the Warden to which the special case or the appeal relates, or copies thereof certified by the Warden, may be used by the Court or any party to such special case or appeal for the purposes of such special case or appeal.

In case of an
appeal an injunction,
&c., and stay
of proceedings
may be had.
Ibid. (Tas.),
s. 170.

274 Whenever any such notice of appeal as aforesaid has been given, or such case has been stated, it shall be lawful for the Warden to whom the same is addressed, on the application of any of the parties interested in the appeal, to make such order for an injunction, or receiver, or payment of money into Court, or for stay of proceedings or otherwise, and upon such terms, as such Warden thinks proper; but without such order no notice of appeal shall operate as a stay of proceedings.

Powers of Court
may be exercised
by a Judge in
Chambers.
Ibid. (Tas.), s.
171.

275 The authority and jurisdiction vested in the Supreme Court under this Act may, subject to any rules and orders of such Court in relation thereto, be exercised by a Judge of such Court sitting in Chambers, and as well in vacation as in Term Time; and any order made by such Judge sitting in Chambers shall be deemed to be and shall have the same effect as an order of the Supreme Court, without either parties moving to have such order made a Rule of Court.

Judges to make
rules.

276 The Judges of the Supreme Court may from time to time make and alter rules and orders to regulate the practice and pro-

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ceedings of the Supreme Court under this Act, and such rules and orders shall be published at least Once in the *Gazette*. A.D. 1905.

Until rules and orders are made under this Act the general rules and orders of the Supreme Court made under "The Magistrates Stated Cases Act, 1860," shall, so far as the same can be applied, and are not inconsistent with the provisions of this Act, be applicable to all proceedings under this Act. *Ibid.* (Tas.), s. 172. 24 Vict. No. 5.

277 With respect to the proceedings on the appeal, the following provisions shall apply :— Order of appellate Court and costs.

- i. The Supreme Court, after hearing the appeal, shall make such order reversing or varying the decision appealed against, or dismissing the appeal, as it thinks fit : Cf. *ibid.* (W.A.), s. 265.
- ii. Such order may contain directions for the payment of money, or the delivery or restitution or possession of any mining tenement, or of any land or water, or of any gold, metal, mineral, or other chattels or property, to the person found to be entitled thereto : Cf. 62 Vict. No. 38 (N.Z.), s. 290, ss. 2.
- iii. Such order may also contain such directions with respect to the costs of the appeal and of the original proceedings, and as to the disposal of the sum of Twenty Pounds deposited by the appellant with his notice of appeal, as the Court thinks fit :
- iv. Where it appears to the Supreme Court that the subject-matter of the appeal does not exceed Twenty Pounds in value, the appellant, although successful on the appeal, shall not be entitled to any costs of appeal from the opposite party, unless the Judge is of opinion that the special circumstances of the case entitle him to costs : Cf. *ibid.* (N.Z.), ss. 4.
- v. Every appeal to the Supreme Court shall be heard by a single Judge, and the decision of the Court shall be final and conclusive, except where the appeal is on the question of law, in which case there shall be a further right of appeal to the Full Court, whose decisions shall be conclusive and final :
- vi. The result of every appeal shall be forthwith communicated to the Clerk of the Court from which the appeal was made, by certificate under the hand of the Registrar of the Supreme Court and the seal of his Court.

278 There shall be no appeal—

- i. In any case where, at or before the hearing, the parties, by a memorandum in writing lodged in the Warden's office, agree that the decision of the Court shall be final : No appeal in certain cases. *Ibid.* (W.A.), s. 266.
- ii. From any judgment or order of the Warden's Court where the value of the subject-matter or interest in dispute shall not exceed Two hundred Pounds, except by leave of the Supreme Court or a Judge :

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- iii. From any decision, order, or recommendation of the Warden upon any application for a mining tenement, the forfeiture thereof, or exemption from labour or other conditions.

Removal of Action to Supreme Court.

Action may be removed to the Supreme Court.
Cf. Local Courts Act, 1896 (Tas.), s. 115.

279 Notwithstanding anything in this Act, any action commenced in a Warden's Court may be summarily removed from any such Court into the Supreme Court by order of the Supreme Court or a Judge thereof, if it appears to such Court or Judge that the case is one which for any reason it is fit or desirable should be tried in the Supreme Court; and such order shall have the force and effect of a writ of *certiorari*, and may be made upon such terms as to payment of costs, giving security for the amount claimed, or costs, or such other terms as the Supreme Court or a Judge thereof thinks fit to impose; and after the making of such order the action shall proceed as if the same had been commenced in the Supreme Court originally, and the rules of such Court as to amendment and otherwise shall apply thereto.

PART XII.**CAVEATS.**

Caveats may be lodged.
Cf. *ibid.* (W.A.), s. 283.

280 Any person claiming any interest in a lease or other registered mining tenement, or his agent, may, on payment of the prescribed fee, lodge a caveat, in the prescribed form, forbidding the registration of or dealing with any transfer or other instrument affecting such interest, but subject to the Regulations and the following conditions :—

- i. The caveat shall be lodged with the Secretary for Mines at the Office of Mines in Hobart :
- ii. Every caveat shall state the name and address of the person by whom or on whose behalf the same is lodged, and shall be signed by the caveator or his agent :
- iii. No caveat shall be received unless an address within the State is appointed at which notices and proceedings relating thereto may be served :
- iv. Every notice relating to a caveat, and any proceedings in respect thereof, if left at or sent by post to the address appointed as aforesaid, shall be deemed to be duly served :
- v. Upon the receipt of a caveat the Secretary for Mines shall send a notification to the lessee, applicant, or person against whose mining tenement or interest therein such caveat has been lodged, by registered letter sent by post to the last known address of such lessee, applicant, shareholder, or person :
- vi. Such lessee, applicant, shareholder, or person may summon the caveator to attend before a Judge of the Supreme Court in Chambers or the Warden of the mining field in which the

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mining tenement is situated, to show cause why such caveat should not be removed, and the Judge or Warden may, upon proof that the caveator has been summoned, and after hearing the evidence in support of the application, make such order as to the Judge or Warden may seem fit: A. D. 1905.

- vii. Every caveat shall be deemed to have lapsed upon the expiration of Fourteen days after notice given to the caveator that application has been made for the registration of a transfer of or other dealing with the mining tenement, the subject of such caveat. The said notice shall be deemed to be duly given if sent by post to the caveator in a letter addressed to the caveator at the address stated in the caveat, and the notice shall be presumed to have been received by the caveator at the time when, by the ordinary course of post, the letter would have been delivered:
- viii. A caveat shall not be renewed by or on behalf of the same person in respect of the same estate or interest, except by the leave of a Judge or Warden:
- ix. If before the expiration of the caveat the caveator or his agent appears before a Judge in Chambers or the Warden of the mining field in which the mining tenement is situated, and gives such undertaking or security or lodges such sum in Court as the Judge or Warden may consider sufficient to indemnify every person against any damage that may be sustained by reason of any disposition of the property being delayed, the Judge or Warden may direct the Secretary for Mines to delay registering any dealing with the mining tenement for a further period to be specified in such order, or may make such other order as may be just.

281 When a contract for the sale of a lease or other mining tenement or of the interest of an applicant for any land applied for as a lease shall have been made, the parties to the contract may, on payment of the prescribed fee, register a caveat in the prescribed form, together with a copy of the agreement embodying the contract for sale, and such caveat shall remain in force for the full term specified in such agreement so long as such agreement shall continue in operation, unless sooner removed with the consent of all parties thereto. Caveat by consent.
Cf. *ibid.* (W.A.),
s. 284.

282 So long as any caveat shall remain in force, no change in the proprietorship of the estate or interest in respect to which such caveat may be lodged shall be registered, and no transfer or other instrument purporting to transfer or otherwise deal with or effect the same shall be lodged. Effect of caveats.
Cf. *ibid.* (W.A.),
s. 285.

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PART XIII.**REGULATIONS.**

Cf. Part XII.,
3 Edw. VII.,
No. 15 (W.A.).
Part XVI., 64
Vict. No. 61
(Tas.).
Power to make
Regulations.

Prospectors'
Licences and
Miners' Rights.

Prospecting.

Dimensions, &c.,
of tenements.

Marking out.

Exemptions.

Reward areas.

Objections.

Registrations.

283 In addition to any power by this Act conferred on the Governor to make Regulations as to any special matter (which power shall also in every case be implied for the purposes of any Section in this Act in which Regulations are referred to, or in which the word "prescribed" is used), the Governor may, subject to the provisions of this Act, from time to time make, alter, and repeal Regulations for all or any of the matters following; that is to say :—

- i. Prescribing the mode, times, and places for the issue of Prospectors' Licences and Miners' Rights; and the qualifications and privileges conferred by a Prospecting Licence or Miner's Right upon the holder thereof :
- ii. Prescribing the terms, conditions, and restrictions subject to which prospecting operations may be carried on under a Prospector's Licence, and whatever else the Governor thinks necessary for the purpose of regulating prospecting :
- iii. For determining the dimensions, boundaries, form, position, and extent of any lease, claim, or other mining tenement or class of mining tenements, and the subsequent adjustment of the same where necessary, and the time when such determination shall be deemed to take effect, and the number and extent and classes of mining tenements which any One person or any Two or more persons may take possession of, and for defining the privileges of holders of mining tenements :
- iv. For determining the manner in which persons desirous of taking possession of or acquiring leases, claims, and other mining tenements on all lands coming within the operation of this Act shall mark out the same, and the requirements to be complied with by such persons :
- v. For defining the method or manner in and the conditions on which applications to occupy land exempted from occupation for mining purposes may be so occupied :
- vi. For regulating the granting of reward areas, and the conditions on which such areas may be granted :
- vii. For regulating the time or times within which, and the method by which, any objection may be lodged, and the manner of investigating and dealing with the same :
- viii. For providing for the registration and the mode of obtaining and effecting the registration of mining tenements and of the transfer or assignment thereof, and for providing for the registration, and the mode of effecting and obtaining the registration of any such mining tenement, transfer,

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or assignment, in the case of death, bankruptcy, or insanity, or of sale under the decree, judgment, or order of any Court : A.D. 1905.

- ix. Prescribing the shape of Lessees' Timber Reserves ; the manner and mode in which the same shall be selected and marked off, and the time and manner in which they shall be registered, and the conditions on which they shall be held : Lessees' Timber Reserves.
- x Prescribing the labour and other conditions not hereinbefore provided for, subject to which any mining tenement or class of mining tenements shall be held, and the condition on which exemption from the performance thereof may be applied for, granted, and obtained, and generally for prescribing the terms upon which, manner in which, and with what incidents, rights, and obligations any mining tenements or class of mining tenements shall be taken possession of, held, occupied, used, worked, or enjoyed : Labour conditions and exemption.
- xi. For fixing the amount and time for payment of rent, or scale of payment to be made for or in respect of mining tenements : Rent.
- xii. For determining the events on which the title to any mining tenement shall become forfeited, and for imposing any penalty on the happening of any one or more of such events in lieu of any such forfeiture, and for determining what shall constitute exemptions from or suspensions of such forfeiture, and what persons shall be entitled to enforce such forfeiture or penalty, and whether there shall be any order of priority of right in any persons to enforce any such forfeiture or penalty, and if so, what shall be such order unless where hereinbefore provided for : Forfeiture, penalty, exemption.
- xiii. For limiting the time within which and prescribing the mode in which proceedings for any such forfeiture or penalty must be taken : Proceedings for forfeiture, &c.
- xiv. For determining whether and under what circumstances any person who shall have obtained an adjudication of any such forfeiture shall, as a condition precedent to his obtaining possession of the forfeited tenement, pay to the person as against whom the same shall be adjudged forfeited any sum as compensation for any property upon such mining tenement : Compensation on forfeiture.
- xv. Prescribing the mode in which, and the terms, conditions, and restrictions subject to which, water may be diverted and used for mining or other purposes, and preventing the waste and unauthorised use thereof : Diverting water.
- xvi. Prescribing the mode in which, and the terms, conditions, and restrictions subject to which, watercourses may be diverted from their channels or beds, and mining be carried on therein : Diverting water-courses.
- xvii. Enforcing and regulating the drainage of mining tenements, the baling and pumping of water from mines, and regulat-

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Watercourses for
receiving tailings.

Water-races, &c.

Water supply.

Abandonment,
&c.

Transfer.

Amalgamation
or surrender.

Exercise of rights.

Use of shafts, &c.

ing the areas which shall form drainage areas, and fixing the amounts payable in respect of mining tenements situated therein, and the proportion in which the expense of such drainage, baling, and pumping shall be borne by the claims benefited thereby :

xviii. Regulating the control and maintenance of any watercourse which has been proclaimed a watercourse for receiving tailings, mining *débris*, and waste waters under Part X. of this Act, and for prescribing the charges to be paid by any persons using any such watercourse for such purposes :

xix. For regulating the cutting, constructing, deviation, use, and maintenance of roads, tramroads, races, dams, sluice-heads, reservoirs, tailraces, drains, sludge-channels, tunnels, and other easements :

xx. For determining whether and under what circumstances and subject to what conditions the holders of Miners' Rights entitled to the use of any water shall have amongst themselves any priority of supply of such water, and if so, how, or according to what system, such supply is to be regulated, and when the events upon the order of priority of which any such priority is to depend shall be deemed to have occurred :

xxi. For determining what shall constitute relinquished, abandoned, or deserted, as distinguished from forfeited mining tenements, and by what person lawfully competent thereto, and in what mode and under what circumstances it shall be ascertained whether any particular mining tenement is relinquished, abandoned, or deserted within the meaning so determined, and whether and under what circumstances any person shall be permitted to relinquish without being liable to any consequences as for the forfeiture of any mining tenement :

xxii. For determining the mode in which any mining tenement which may be transferred or assigned may be so transferred or assigned, and for determining the rights and obligations of any assignee :

xxiii. For prescribing the manner in which mining tenements may be amalgamated or surrendered :

xxiv. For regulating the mode in which the rights, privileges, and interests of the owners of mining tenements may be exercised or enjoyed, and for limiting, qualifying, or restricting the exercise and enjoyment of such rights, privileges, and interests, and generally for the protection of such owners in the exercise and enjoyment of such rights, privileges, and interests :

xxv. For enabling holders of mining tenements to make and use and to use already-made shafts, levels, adits, drives, tunnels, races, or other mining works through or over

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other lands, whether held as mining tenements or not, and prescribing the mode in which, and the terms and conditions as to compensation and otherwise subject to which, the same may be so made and used : A.D. 1905.

- xxvi. For preventing the accumulation of, and for the removal to some convenient place of sludge, tailings, and other waste and refuse matter oozing or flowing from or connected with any mining tenement, and of waste water ; and for the making of such channels as shall be necessary for any of the purposes aforesaid, and for otherwise regulating and preventing the allowance of such oozing, flowing, and running to waste, with or without any condition for payment of money or otherwise ; and for preventing any damage to any mining works by the escape or overflow of water from any mine : Sludge, tailings, &c.
- xxvii. For the protection from trespass, injury, destruction, and unlawful removal of any machinery, and of roads, tram-roads, races, drains, dams, and reservoirs, and other mining works, and of the water therein, and of pegs, posts, rails, fences, and notices, and of any plant or appliances used for or in connection with mining, and for the protection from obstruction of such races and dams, and of channels, drains, creeks, and rivers used for mining purposes : Injury to works, &c.
- xxviii. For regulating the mode of construction and materials and strength of embankments of dams, reservoirs, and other works used or constructed for mining purposes : Embankments, dams, &c.
- xxix. For the constructing and keeping in repair of suitable bridges or other crossings over races, channels, or drains used for mining purposes and cut across roads or thoroughfares or over such races, channels, or drains over which roads or thoroughfares shall be carried, and for making proper approaches to such bridges or crossings and for determining the width of such bridges, crossings, and approaches : Bridges, &c.
- xxx. For making and keeping in repair and for regulating the width and formation of private ways and passages used for mining purposes over any land claims or areas used in connection with mining or business, and for regulating and imposing conditions on the right to change the direction of any such way or passage, and for the protection of the same from injury or obstruction : Private ways, &c.
- xxxi. For the prevention of nuisances in or about any mining tenement, and for cleansing and keeping clean the same, and for providing for sanitation in and about any mine, works, or mining tenement : Nuisances.
- xxxii. For securing the baling of water from mines so as to prevent injury from such water to any mining workings : Baling.
- xxxiii. For preventing the defiling or wasting of water used for domestic purposes, and for determining whether any and Water for domestic purposes.

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- what waterhole, spring, or other depository of water shall be reserved for domestic use, and the mode of such reservation :
- Exemption from occupation. XXXIV. For determining the cases in which land exempted from occupation for mining purposes shall cease to be so exempted :
- Ascertainment of compensation. XXXV. For prescribing the manner in which compensation shall be ascertained and paid under the provisions of this Act and the Regulations :
- Workings near roads, &c. XXXVI. For determining the distance and enforcing the same at which shafts and other mining workings are to be kept from public and private roads, ways, and passages, and from private land, dwellings, and other buildings :
- Telegraphs. XXXVII. For enabling persons to enter on land for the purpose of erecting electric telegraph or telephone posts or wires :
- Travelling stock. XXXVIII. For regulating the travelling of stock on mining fields, and limiting the period during which any travelling or other stock may camp and remain at any conserved or natural water :
- Mode of action. XXXIX. For defining the manner of doing or performing any thing by this Act required to be done or performed :
- Registers. XL. For prescribing the manner in which registers shall be kept :
- Survey. XLI. For prescribing the survey of any land or mining tenement, and the manner in which the same is to be surveyed :
- Duties of officers. XLII. For defining the rights, powers, and duties of Wardens, Mining Registrars, surveyors, inspectors, and engineers, and clerks, officers, bailiffs, and assistants appointed or deemed to have been appointed under the provisions of this Act, or employed or acting in the administration thereof in all cases where such powers and duties have not been defined by this Act :
- Applications for leases, &c. XLIII. For prescribing the mode of making and investigating and determining upon applications for and objections to the granting of mining tenements, and the amount of deposit (if any) to be paid by applicants and objectors respectively in connection with such determination :
- Caveats. XLIV. For prescribing the manner in which caveats authorised under this Act shall be filed, recorded, and otherwise dealt with :
- Priority of applications. XLV. For prescribing the manner of dealing with cases when Two or more applications are made in respect of the same land :
- Forms. XLVI. For prescribing the forms of leases, rights, licences, certificates, applications, objections, notices, caveats, and other documents granted, issued, or used under or for the purposes of this Act, or required for the purposes of this Act :
- Covenants, &c. XLVII. For prescribing the terms, covenants, conditions, reservations, and exceptions to be inserted in leases or licences granted under this Act, and the manner in which such leases or licences shall be registered :

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- XLVIII. For determining the time and mode of ascertaining the amount of any royalty, and the time for payment thereof: A.D. 1905.
- XLIX. For prescribing returns to be furnished by owners and managers of mines and works for the treatment of gold or other minerals: Royalty. Returns.
- L. For defining the manner or method in or by which any document or notice required to be posted, served on, or given to any person shall be posted, served, or given, and to limit the time or times for so doing: Service of notices.
- LI. For prescribing the fees (if any) which shall be payable for the several matters hereinafter mentioned:— Fees.
- (a) The inspection of any register kept under the provisions of this Act;
 - (b) Applications, surveys, travelling expenses, and processes, and exemptions from performance of labour conditions, or conditions of use or occupation, or otherwise;
 - (c) The registration of mining tenements, or of any amalgamation or union of leases or mining tenements, or of any assignment or transfer, or of any rules or agreements;
 - (d) The filing of any declaration of the loss of any document;
 - (e) The registration of transmission by death, or under the laws relating to bankruptcy or insanity;
 - (f) The registration of any other matter or thing required by the Act or Regulations to be registered;
 - (g) For any other matters required to be done under this Act or the Regulations:
- LII. For prescribing rules for the management of mining fields, and for the regulation of mining generally, and for all other matters and things that may be necessary to give effect to this Act. Regulation generally.

General words in this Section shall not be limited or controlled by particular words.

284 Such Regulations may impose, for any breach thereof, or for any disobedience of a lawful order of a Warden or other authorised officer, a fine not exceeding Fifty Pounds, and, in default of payment, imprisonment with or without hard labour for any period not exceeding Six months. Regulations may impose penalties.

285 Every Regulation made by the Governor under the authority of this Act, unless the contrary is expressed, shall apply throughout the State, but may be limited to any part thereof, and shall be published in the *Gazette*, and after publication therein shall have the force of law, and be judicially noticed in every Court of Justice. Regulations to be published in Gazette.

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Copies to be laid
before Parlia-
ment.

286 Copies of all Regulations made under this Act shall be laid before both Houses of Parliament within Fourteen days of the making thereof if Parliament is then in Session, and if not, then within Fourteen days after the commencement of the next sitting thereof for the despatch of business.

Amendment or
repeal of Regu-
lations.

287 If an Address shall be presented to the Governor by the Legislative Council and House of Assembly respectively in the same Session of Parliament, requesting that any Regulation be amended in any respect or be repealed, the Governor may forwith amend or repeal such Regulation accordingly.

PART XIV.

GENERAL PROVISIONS.

*Arbitration.*Arbitration.
56 & 57 Vict.
No. 587, s. 112
(S.A.).

288 Every arbitration in pursuance of this Act shall be under "The Arbitration Act, 1892," and the parties to the submission shall, for the purposes of such arbitration and of such lastmentioned Act, be deemed to have entered into a written agreement to submit the differences in respect to the matter in question to the arbitration of Two arbitrators, one to be appointed by each party, and "The Arbitration Act, 1892," shall apply accordingly.

*Saving of Royal Prerogative, and power to resume.*Saving of
prerogative.
3 Ed. VII. No.
15, s. 267 (W.A.).

289 Nothing in this Act contained, except so far as is herein expressly enacted, shall be deemed to abridge or control the prerogative rights and powers of His Majesty in respect of gold or silver mines.

Lands may be
withdrawn or
resumed.
64 Vict. No. 61,
s. 202 (Tas.).

290 It shall be lawful for the Governor to withdraw from lease or licence, or resume, any portion of the land held under any lease, licence, or any other right under this or any former Act, or any contract therefor, and at any disposition that may be made of any of the lands so withdrawn or resumed, the right of mining thereon may be reserved to the Crown or to the lessee or other person from whom the land so disposed of may have been resumed, who shall be entitled to compensation out of the Consolidated Revenue Fund for all buildings and mining works on such lands when resumed, such compensation to be ascertained by arbitration in such manner as may be prescribed. And the Minister may remit a proportionate part of the rent payable by such lessee or other person for so much of such land as is resumed as aforesaid.

*Age Limit for Leases or Licences.*Person under
Eighteen not to
hold lease, &c.
Cf. 56 and 57
Vict. No. 587
(S.A.), s. 111.

291 No person under the age of Eighteen years shall hold, directly or otherwise, any lease or licence which may be granted under this Act, except a Prospector's Licence. All covenants and conditions contained in or imposed by a lease or a licence granted to an infant of the age of Eighteen years or upwards shall be as binding upon him as if he were of full age.

*Mining.**As to Lien for Wages of Workmen and others employed.*

A.D. 1905.

292 The amount for the time being due to all managers, clerks, miners, artisans, and labourers employed in or about any mining tenement, by or on behalf of the owner thereof, in respect to their wages or other earnings in relation thereto, not exceeding Twelve weeks' wages or earnings to each such person, shall be a first charge upon the mining tenement in priority to any mortgage charge or other encumbrance.

Lien for wages.
Vide 62 Vict. No. 38, ss. 171 to 181 (N.Z.).
Ibid., s. 282 (W.A.).

And in the winding-up of a company, the amount due at the date of the winding-up order to such person in respect of such wages or earnings, not exceeding Twelve weeks' wages or earnings to each such person, shall be paid in priority to all other debts, secured or unsecured, of the company.

But until the expiration of One year from the commencement of this Act, such lien shall not prevail against any mortgage charge or other encumbrance entered into or incurred and registered before the commencement of this Act.

Such first charge shall include all costs awarded against any person or company in any proceedings before a Court to recover such wages or earnings, and any costs, charges, or expenses properly incurred in enforcing such order.

The debts so charged upon a mining tenement and the debts so payable in priority to all other debts of a company shall rank equally amongst themselves, and if necessary shall abate in equal proportions between themselves.

Power to Construct Tramways, Lay Pipes, &c.

293 Subject to the approval and consent in writing of the Minister, any person may enter upon any mining tenement and break up the soil thereof, and—

Power to construct tramways and erect electric lines.
Ibid., s. 278 (W.A.).

- I. Erect poles and posts thereon, and carry overhead, across, or along the same electric lines, and from time to time, repair, alter, or remove such poles, posts, and lines: and
- II. Make or construct any trainways thereon, and from time to time repair, alter, or remove the same.

294—(1.) The exercise of the powers conferred by the last preceding Section shall be subject to such conditions and stipulations as the Minister may impose, and such Regulations as may from time to time be prescribed, and particularly with regard to the following matters:—

Permission to be subject to conditions and general Regulations.
Ibid., s. 279 (W.A.).

- I. Securing the safety of the public from personal injury or from fire or otherwise:
- II. Authorising and regulating inspection and inquiry from time to time by the Minister.

(2.) The contravention, non-performance, or non-observance of any conditions or stipulations imposed by the Minister as aforesaid shall be deemed an offence against this Act, and be punishable by fine, not exceeding Fifty Pounds, or Ten Pounds for every day during which such contravention, non-performance, or non-observance shall continue, and upon any conviction, the consent of the Minister may be cancelled.

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Laying pipes, &c.,
over leases.
Ibid., s. 280
(W.A.).

295 The Warden may permit any person to make or construct any road, race, or drain, or to lay water-pipes under, over, across, or through any mining tenement; but before any such permission is granted, Fourteen days' notice shall be given by the person applying for permission to any person lawfully in possession of such mining tenement and by advertisement in a newspaper circulating in the district.

If any question of compensation shall arise, the amount (if any) shall be determined by the Warden, whose decision shall be final, and who shall have power to examine competent persons as to the amount of actual damage, injury, or loss which may be incurred by the works made or constructed under the permission granted.

Any permission granted under this Section may be withdrawn by the Warden on proof to his satisfaction that the privilege conferred is no longer exercised by the grantee.

Returns.

Returns to be
furnished.
Ibid., s. 297
(W.A.).

296 The owner or manager of every mining tenement in respect of which royalties are payable shall, during the first week of every month, forward to the Secretary for Mines a return showing the amount of gold or minerals obtained from such mine during the last preceding month, and the value thereof, together with the amount due as royalty thereon.

Officers may
examine books,
&c.
Ibid., s. 298
(W.A.).

297 Any officer appointed for that purpose by the Minister shall at any time have access to the books and accounts of any such mining tenement, and may examine the same for the purpose of ascertaining the amount of royalty payable in respect of the gold or minerals raised from such mining tenement.

Payment of
royalty, how
enforced.
Ibid., s. 299
(W.A.).

298 If the amount of royalty due upon any gold or minerals obtained from any such mine is not paid within Thirty days after such amount has been ascertained, any officer appointed for that purpose by the Minister may seize and take possession, on behalf of His Majesty, of any gold or minerals obtained from such mine, and the lease or registration of such mine may be cancelled by the Governor.

Penalties.
Ibid., s. 300
(W.A.).

299 Any owner or manager who neglects or refuses to furnish returns to the Secretary for Mines as hereinbefore required, or who wilfully makes a false return, and any person who impedes or obstructs any officer appointed by the Minister to perform any duty under the last preceding Section, shall be liable to a penalty not exceeding One hundred Pounds.

Statistical returns.
Ibid., s. 301
(W.A.).

300 The owner or manager of any mining tenement, or of any works, battery, or other apparatus for the extraction of gold or other minerals from earth or ore, shall furnish the Secretary for Mines with such returns as to the gold or minerals obtained from such mining tenement, or treated at such works, or by such battery or other

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apparatus, and with any plans, sections, statistics, and particulars, in such form and at such times as may be prescribed. A.D. 1905.

301 Any person neglecting or refusing to comply with any of the provisions of the last preceding Section, or with any Regulation relating to statistical returns, shall, for every offence, be liable to a penalty not exceeding Ten Pounds. Penalty for neglect to make statistical returns. *Ibid.*, s. 302 (W.A.).

302 The owner or manager of any mining tenement shall, when called upon, in writing, by a Warden or Inspector, furnish full and accurate information as to the working of the land demised or claim as the case may be, the number of men employed, and any other information necessary to enable the Warden or Inspector to ascertain if the provisions of this Act and the Regulations, or of any lease, are being complied with ; and shall also, when called upon, in writing, by such Warden or Inspector, furnish such returns of operations on the demised land or claim and the results thereof as shall be authorised and required by such Warden or Inspector for statistical purposes ; and if any person fails, neglects, or refuses to comply with this provision, he shall be liable to a penalty not exceeding Five Pounds. Holder of mining tenement to furnish information. 64 Vict. No. 61, s. 210 (Tas.).

Notices—Evidence proof.

303—(1.) Except where otherwise provided, any notice, order, process, or other document, under the provisions of this Act or any Regulation, required or authorised to be given or served to or upon any person may be served— Service of notice. See 64 Vict. No. 61, s. 190 (Tas.). *Ibid.*, s. 303 (W.A.).

- I. By delivering the same to such person : or
- II. By leaving the same at his usual or last known place of abode or business in *Tasmania* : or
- III. By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode or business in *Tasmania*.

(2.) Any such document, if addressed to the owner or occupier of any mining tenement or land, may be served by delivering the same, or a true copy thereof, to some person, apparently over the age of Sixteen years, on the premises, or, if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises.

(3.) Where a notice is required to be given to a person whose name and address is unknown, the notice may, by leave of the Warden or Secretary for Mines, be served by publishing it in the *Gazette* and a newspaper Three times, at intervals of not less than One week between any Two publications.

(4.) Any notice by this Act required to be given to the owner or occupier of any mining tenement or land may, if the name of the owner or occupier is not known, be addressed to him by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

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(5.) Any notice required to be given or sent to an Inspector of Mines may be given or sent to the Inspector residing nearest to the mine or works to which such notice relates.

(6.) Any document forwarded by post shall be deemed to have been given at the last moment of the day on which the same ought to be delivered at its destination in the ordinary course of post, and in proving service it shall be sufficient to prove that the document was properly stamped and addressed and put into the post.

(7.) The signature of the Minister shall be a sufficient signature to any notice required to be given by or on behalf of the King or the Governor, under this Act, and judicial notice shall be taken thereof.

Contracts relating to leases to be in writing.
Ibid., s. 286
(W.A.).

304 No contract relating to any mining lease or application therefor, or any share or interest therein respectively, shall be enforceable by any action or other legal proceeding unless some note or memorandum in writing of the contract is made and signed by the party to be charged, or his agent authorised in writing in that behalf.

Evidence that conditions complied with.
62 Vict. No. 38,
s. 305 (N.Z.).

305 The issue of any licence or certificate by the Warden under this Act or any former Act shall, except in case of fraud, be conclusive evidence that all the conditions and provisions prescribed by such Act as precedent to such issue have been duly complied with.

If licence or certificate lost, duplicate may be issued.
Ibid., s. 306
(N.Z.).

306 If any licence, certificate, or other document issued under this Act or any former Act is lost or destroyed, a duplicate thereof may be issued in such manner, and upon such conditions as to proof of loss and otherwise as are prescribed.

Certificated extract of register to be received as evidence.
Ibid., s. 308
(N.Z.).

307 A certificate in writing of the contents of or any extract from any register under this Act or any former Act, purporting to be signed by the Registrar or other officer authorised to keep such register, shall, until the contrary is proved, be sufficient evidence in all Courts of Justice, and for all purposes, of the matters set forth in such certificate, without production of the register or proof of the signature to such certificate.

Onus of proof.
56 and 57 Vict.
No. 587 (S.A.).

308 In any action, suit, or proceeding under this Act the averment that any lands are Crown lands, dedicated lands, reserved lands, or lands belonging to or vested in the Crown, or that any person is an Inspector of Mines, Warden, Mining Registrar, or other person authorised to take any proceedings or perform any duty under this Act, shall be sufficient without proof of such fact, unless the defendant proves the contrary. If any question arises as to the authority of the defendant to do the act complained of, the proof thereof shall lie upon the defendant. Judicial notice shall, in such action, suit, or proceeding, be taken of all Prospectors' Licences, Miners' Rights, mining leases, licences, certificates, maps, plans, and office copies purporting to be signed by any person authorised by this Act or the Regulations to sign the same.

*Mining.**As to Unlawful Mining.*

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309—(1.) It shall not be lawful for any person to mine under any railway or tramway reserve, or under land resumed for railway or tramway purposes, without the previous consent, in writing, of the Minister.

No person to mine under railway reserve except on certain conditions.

The Minister may impose upon such person such terms, if any, as he thinks necessary for the public safety, and in that case such mining shall only be carried on in accordance therewith.

A condition for the observance of this section by the lessee of every existing and future mining lease shall be deemed to be contained therein.

(2.) "The Railway Management Act, 1896," is hereby repealed.

Repeal of
60 Vict. No. 32.

310—(1.) Any person who prospects or mines on Crown land shall, unless he is authorised so to do by virtue of this Act or some enactment heretofore in force, be liable for every such offence to pay a penalty not exceeding One Pound for every day on which he so prospects, searches, or mines.

Penalty for unauthorised mining on Crown land.

(2.) If any person found prospecting or mining on Crown land (other than a lessee or applicant for a lease of such land) does not, upon demand made by a Warden, or Registrar of Mines, or constable, or any person authorised by a Warden in that behalf, produce forthwith for inspection a licence, right, or other authority entitling him to so prospect or mine, or satisfy the person making the demand that he is entitled to so prospect or mine, he may be forcibly ejected from such land by a police officer or constable, or by any person authorised by a Warden, and on summary conviction shall be liable to a penalty not exceeding Fifty Pounds.

Penalty for not producing authority.

311 Any person found mining upon or removing gold or minerals or gold or mineral ores from the mining tenement of any other person without the permission of such other person, may be forcibly ejected by a police officer or constable, or by any person authorised by the Warden, and on summary conviction thereof shall be liable to a penalty not exceeding Fifty Pounds.

Proceedings and penalty for mining or removing minerals without authority from mining tenements. *Ibid.*, s. 292 (W.A.).

312 Any person who takes or removes gold, minerals, or mineral ores from the mining tenement of any other person, shall be deemed to have stolen the same, unless he proves that he had the permission of such other person to do so; and any person receiving the same with knowledge of such facts shall be deemed to have received the same knowing them to have been stolen.

Removing minerals, &c., from claims larceny. *Ibid.*, s. 293 (W.A.).

313—(1.) It shall be lawful for any Bailiff of Crown lands or any constable to seize and detain any gold or other mineral which has been unlawfully removed, or which he has good cause to suspect to have been unlawfully removed from any Crown lands or any Crown reserve; and it shall be lawful for any such bailiff or constable, or any person authorised in writing by the Minister or a Warden, to seize and detain

Minerals, &c., unlawfully removed from Crown land may be seized and forfeited. 64 Vict. No. 61, s. 190 (Tas.).

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any gold or other mineral which has been unlawfully removed, or which the Minister or such Warden has good cause to suspect to have been unlawfully removed from any Crown lands or any Crown reserve; and any mineral seized as aforesaid shall be forfeited to His Majesty upon proof to the satisfaction of a Warden that it has been unlawfully removed as aforesaid: Provided that the Governor may make such order as to the disposal of such gold or other mineral, and upon such terms as he sees fit.

(2.) In the event of the Warden deciding that such seizure was not lawfully made, he may award compensation not exceeding the sum of Fifty Pounds to be paid out of the Consolidated Revenue Fund, to the person from whom the mineral was seized or taken.

Other Penalties and Offences.

Salting mines.
Ibid., s. 294
(W.A.).

314 Any person who shall place or deposit, or be accessory to the placing or depositing of any metal, ore, or mineral in any spot or place for the purpose of misleading any person as to the payable nature of such spot or place, or who shall mingle or cause to be mingled with any sample of gold, silver, or other metal-bearing ore, any valuable metal or substance whatsoever that will increase the value or in any way change the nature of the said ore, with an intention to deceive, cheat, or defraud any person, shall be guilty of a misdemeanour, and liable, on conviction, to imprisonment with or without hard labour for a period not exceeding Five years.

Penalty for col-
lusive application
for forfeiture.
Ibid., s. 295
(W.A.).

315 If any person, being the owner of a mining tenement or otherwise interested therein, is privy to any application for forfeiture thereof, made for the purpose of defeating or avoiding the labour conditions thereof, he shall be liable on summary conviction to a penalty not exceeding One hundred Pounds.

Penalty for not
complying with
conditions of lease
&c
64 Vict. No. 61,
s. 193 (Tas.).

316 Every lessee and every grantee of a Water-right or Mining Easement, and every holder of any Claim or any other Right or Licence under this or any former Act, shall comply with the several terms and conditions of the Lease, Water-right, Mining Easement, Right, or Licence, as the case may be; and every such lessee or grantee, or holder as aforesaid, shall for any breach or default thereof (except in any case of breach or default in which such Lease, Water-right, Mining Easement, Right, or Licence may be declared void and forfeited), forfeit and pay a penalty not exceeding Twenty Pounds.

Lessees to keep
up posts and
marks.
Ibid., s. 194.

317 Every lessee, during the term of his lease, shall erect and keep erected as near as practicable to the angle without interfering with the surveyor's mark, at each and every angle of the land comprised in such Lease, a post Six inches in diameter, and not less than Four feet Six inches above the ground, or a Two-inch iron pipe not less than Eighteen inches above the ground; and such lessee shall cut and maintain at each such post trenches, not less than Three feet in length and Nine inches

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in depth, indicating the direction of the boundary-lines ; and every such lessee shall, for any breach of the provisions of this Section, forfeit and pay a penalty not exceeding Ten Pounds.

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Penalty.

318 Every person occupying or holding a mining tenement, or residing upon any land held under this Act, shall make such arrangements for the prevention of nuisance and for the observance of decency, and shall adopt such sanitary measures generally as a Warden may from time to time approve of and order, or as may be prescribed ; and if any person fails or neglects to comply with this provision, he shall be liable to a penalty not exceeding Five Pounds.

Nuisances, &c.
Ibid., s. 195.

319 Every person who permits any stake, post, notice, or other thing indicating occupation by him of a mining tenement, or of any land held under application for lease, to remain on any Crown land when in fact he has not taken the further steps prescribed to secure such claim, shall forfeit and pay a penalty not exceeding Twenty Pounds.

Persons to remove
stakes, notices,
&c., not authorised
on ground.
Ibid., s. 196.

320 Every person who shall cause or permit sludge or tailings to flow from any mining tenement, or to accumulate so as to cause injury to any public road, or to any mining tenement, drive, water-race, dam, or other mining work, puddling machine, or other machinery belonging to any other person or persons, shall forfeit and pay a penalty not exceeding Ten Pounds.

Penalty for
permitting sludge,
&c., to flow.
Ibid., s. 197.

321 Every person who shall displace, deface, injure, or destroy, or in any way interfere with any notice, notice-board, post, peg, trench, or reference mark, made or used by any person or persons making any survey or marking any mining tenement, or doing any act proper to be done, or holding any privilege under this or any former Act, shall forfeit and pay a penalty not exceeding Twenty Pounds.

Penalty for
defacing marks.
Ibid., s. 198.

322 Every person who forges or alters any document or lease authorised to be issued under this or any former Act, or uses or utters any such forged or altered document or lease knowing the same to be forged or altered, with intent in any of the cases aforesaid to defeat the provisions of this Act or the Regulations, or to defraud, shall be guilty of felony, and shall on conviction before the Supreme Court be liable to be imprisoned for any period not exceeding Fourteen years.

Forgery of
documents or
leases.
Ibid., s. 199.

323 Every person who steals or severs with intent to steal any mineral from any claim, shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in cases of simple larceny.

Stealing minerals.
Ibid., s. 200.

324 Every person who, with intent to defraud his co-partner, co-adventurer, joint tenant or tenant in common in any claim, or in any share of interest in any claim, secretly keeps back or conceals any gold or mineral found in or taken from such claim, shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same way as if he had feloniously stolen the same.

Fraudulently con-
cealing minerals
from partner.
Ibid., s. 261.

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Taking water
without
authority.

325 Every person who, without authority from the person entitled thereto, takes any water from any water-race, reservoir, or dam lawfully held by another person under any Act relating to mining, shall for every such offence incur a penalty not exceeding Twenty Pounds; and the onus of proving that he had such authority to take any water as aforesaid shall lie upon the defendant.

Assault on
Warden and other
offences.
See 64 Vict. No.
61, s. 192 (Tas.).
Ibid., s. 296
(W.A.).

326 Any person who—

- i. Insults, assaults, obstructs, or resists any Warden, or any person duly authorised by any Warden, or any bailiff or other officer, or any clerk or assistant of such bailiff or officer, or other person in lawfully entering upon any land or mining tenement, or in the performance of any act or duty, or in the exercise of any powers under this Act or the Regulations: or
- ii. After being removed under the provisions of this Act from any land or mining tenement forcibly or clandestinely retakes or retains, or endeavours to retake or retain possession thereof, or of any portion thereof, or of any share therein: or
- iii. After any decision of a Warden that any complainant is entitled to use for mining purposes or to divert any water, resists such complainant or his agents in such use or diversion: or
- iv. Upon or in consequence of the decision of any Warden's Court assaults, or threatens to assault, any person in whose favour such decision shall have been made—

shall be liable, on summary conviction, to a penalty not exceeding Fifty Pounds, and, in default of payment, to imprisonment not exceeding Six months.

Penalty for breach
of Regulation not
otherwise pro-
vided for.
Ibid., s. 304
(W.A.).

327 Any person who infringes any of the provisions of this Act or the Regulations, for the infringement whereof no penalty is prescribed, shall, on summary conviction, be liable to a penalty not exceeding Fifty Pounds, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding Six months.

General.

Registrar or other
person may sell
by auction.
64 Vict. No. 61.
s. 209 (Tas.).

328 It shall be lawful for any Registrar, or any other person appointed for that purpose by the Minister, without being licensed as an auctioneer, to sell, or put up, or offer for sale, by auction the right to any lease or licence or any other property which the Minister is by this Act authorised to sell by auction, notwithstanding anything to the contrary contained in *The Auction Act*.

6 Wm. IV.
No. 6.

Acceptance of
rent not to be
deemed waiver
of breach of
covenant.
Ibid., s. 287
(W.A.).

329 The demand or acceptance of rent in respect of any mining tenement on behalf of His Majesty shall not be deemed a waiver of the right of His Majesty or the Minister to enforce the observance of any covenant, condition, or regulation under which such mining tenement

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is held, or the forfeiture of such mining tenement for breach of any covenant, condition, or regulation, except the covenant for payment of rent, committed before the receipt of such rent. A.D. 1905.

330 Every mining tenement, and every share and interest therein, shall be deemed and taken in law to be a chattel interest, and subject to this Act and the Regulations the holder may transfer the same. Mining tenements to be deemed chattels. *Ibid.*, s. 273 (W.A.).

But no person shall acquire any interest under any transfer of a mining tenement held under a Miner's Right, unless such person is the holder of a Miner's Right.

331 Every mining tenement, and every share and interest therein, shall, on the death or bankruptcy of the holder thereof, devolve on his personal representative or trustee in bankruptcy or liquidator, and shall be liable to seizure and sale under any execution issued from the Supreme Court, or any Warden's Court, Local Court, or other Court, or under any Warrant of Distress issued by a Justice of the Peace or Warden of Mines. Devolution of mining tenements. See 64 Vict. No. 61, ss. 188, 189 (Tas.). *Ibid.*, s. 274 (W.A.).

The Sheriff or other officer appointed to sell the same shall have full power to give an effectual transfer thereof.

332 Wherever by this Act any matter is to be done within a time or in a mode or subject to a condition or provision to be prescribed, and no prescription is made by this Act, or the Regulations, the Warden, when dealing with each such matter as it arises, may himself make the necessary prescription. Warden to prescribe matter if omission made. 62 Vict. No. 38, s. 318 (N.Z.).

333 All fees, charges, and sums of money which shall or may be imposed or made payable, and all penalties incurred under this Act or the Regulations, for which no other mode of recovery is prescribed, may be recovered, carried out, or enforced by any Warden in the manner in which Justices of the Peace are now by law authorised to enforce any conviction or order of a Court of Petty Sessions. Fees, penalties, &c., how recoverable and applied.

334 All moneys payable by any persons by virtue of this Act, or by any Regulations made hereunder, shall be payable in advance, and if not otherwise directed by this Act or the Regulations, shall, together with all penalties received, be paid into and form part of the Consolidated Revenue Fund. Appropriation of moneys. 64 Vict. No. 61 (Tas.), s. 211.

Application of Public Service Act.

335 Notwithstanding anything in this Act contained to the contrary, the provisions of any Act for the time being in force regulating the Public Service of *Tasmania* shall apply to, regulate, and govern the Department of Mines, Secretary for Mines, Wardens of Mines, Registrars of Mines, Chief Inspector and Inspectors of Mines, and all other Officers employed in the Department of Mines; and all the provisions of any such Public Service Act shall prevail where such provisions are inconsistent with the provisions of this Act. Public Service Act to apply to Department of Mines.

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FIRST SCHEDULE.**PART (1.)****General Rules.****GENERAL RULES FOR ALL MINES AND FOR "WORKS."***Vide Part VIII.,
s. 196.*

The following General Rules shall, so far as may be reasonably practicable, be observed in every mine, whether the mine is on Crown land or on private property, and shall where they refer to any "works" be observed at or in such works :—

In the construction of these Rules the expression "Act" means Mining Act, 1905.

Adequate ventilation
to be produced.

1. An adequate amount of ventilation, that is to say, not less than One hundred cubic feet of pure air per minute for each man and boy, and not less than One hundred and fifty cubic feet per minute for each horse, employed underground in a mine, excepting in cases where noxious gases exist to a dangerous degree, when the quantity of air required shall be increased to Five hundred cubic feet respectively, shall be constantly produced in every mine to such an extent that the shafts, winzes, levels, underground stables and working places of such mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein. All drives by which any two mines are connected shall, if considered necessary by an Inspector of Mines, be kept open for ventilation and for escape. Upon the order of an Inspector of Mines, authorised by the Minister, owners shall construct such connecting drives, where the works are not more than Three hundred feet apart for ventilation and escape, at their joint expenses, and where deemed necessary for the purpose of ventilation by the Inspector of Mines, all levels shall be connected with winzes upon the order of such inspector authorised by the Minister. An owner who has constructed drives up to the boundary of his mine shall not be liable to contribute to the cost of constructing such drives into the land, lease, or claim of another owner unless, in the opinion of an Inspector of Mines, such construction of drives or connexion is of benefit to the firstmentioned owner; and in default of such firstmentioned owner contributing his fair and proper proportion of the cost thereof, or constructing such portion of such connecting drive as a Warden shall adjudge to be a fair and reasonable proportion having regard to the amount of benefit derived by such firstmentioned owner, the owner who has caused such connecting drive to be made may, upon a plaint in that behalf, have the amount to be paid by such firstmentioned owner determined in the Warden's Court; and for the purpose of enabling the Court to hear, determine, and enforce such complaints, and of enabling appeals to be made from their decisions, all the provisions of Part Eleven of the Act applying to the proceedings shall apply to such complaint so far as the same may be applicable.

Drives connecting
mines.

Recovery of cost
of connecting drives.

Where rock-drills
used, air to be kept
free from dust.

2. In every case where rock-drills are used underground there shall at all times be used in and about the place where such drilling is done such means as in the opinion of an Inspector of Mines will effectually keep the air pure and free from dust, and prevent the accumulation of dust.

Removal of nuisance
from dust or fumes
by spraying, &c.

3. In the event of any nuisance whatsoever being caused by dust or fumes mingling with the air in any portion of the workings of a mine in which miners are working to such an extent as in the opinion of the Inspector of Mines to be detrimental to the health of such miners, it shall be the duty of the mine manager to remove such nuisance by spraying or other effective means.

Storage and use of
gunpowder,
detonators, and
other explosives.

4. Gunpowder or other explosive or inflammable substance shall only be used or kept in a mine as hereunder provided; that is to say :—

1. It shall not be stored in the mine or on the surface unless in such magazine or place and in such quantities as may in writing be approved of—

(a) By the Minister controlling explosives where the weight exceeds Thirty-five pounds;

(b) By an Inspector of Mines where the weight does not exceed Thirty-five pounds.

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11. Without such written authority it shall not be stored in the mine in any quantity exceeding what would be required for use during Six working days for the purposes of the mine; and if stored in the mine it shall be kept in a drive or chamber separated by a door fixed across such drive of which an Inspector of Mines shall approve. A.D. 1905.
111. All explosives kept for the purposes of a mine shall be kept in the custody of the manager of such mine, or of some person appointed for that purpose, who shall be responsible for the safe-keeping and proper issue thereof.
- 1V. Whenever explosives are taken into the mine from the surface magazine or the place of storage at the surface, they shall be conveyed direct therefrom to the proper place of storage in the mine, or to the workings of the mine if required for immediate use.
- v. Explosives shall not be taken for use into the workings of the mine except in a securely covered case or canister of a pattern and make approved of by an Inspector of Mines and containing not more than Eight pounds of gunpowder or Five pounds of a high explosive.
- VI. A workman shall not have open and in actual use at one time in any one place more than One of such cases or canisters, and, except when actually in use for purposes of charging, explosives shall be returned to the place provided for storage thereof in the mine.
- VII. No person shall enter with a naked light a powder magazine or any excavation or place in a mine where powder or other explosive or inflammable substance is stored.
- VIII. Detonators for blasting shall be kept at surface in a covered box, but not in the same magazine with nitro-glycerine compounds. Not more than One hundred detonators shall be kept in any one level or working face in a mine at one time without the consent of an Inspector of Mines, and these shall be kept in a covered box in a drive or chamber set apart for storing explosives as hereinbefore provided, and only taken out in such quantities as required for immediate use. Cartridges shall not be primed with detonators except for immediate use. Detonators shall not on any pretence whatever be placed near any travelling road, pass, or working face.
- IX. No iron or steel pricker shall be used in blasting in any mine, and no iron or steel tool shall be used in tamping or ramming, and no iron or steel pricker or tamping-bar shall be taken into any mine, and where nitro-glycerine explosives are used wooden rammers only shall be used in charging.
- x. A charge of gunpowder which has missed fire may be drawn by a copper pricker; but in no case shall an iron or steel tool be used for the purpose of drawing or drilling out such charge. A charge of any nitro-glycerine compound shall not be drawn from a hole on any pretence, or (except as directed by the next Sub-section) have its tamping removed on any pretence.
- XI. A charge of any nitro-glycerine compound which has missed fire shall not be drawn; but the tamping shall be carefully removed to a depth distant not more than Twelve, and not less than Six inches from the outer end of the charge, and a fresh charge or fresh charges shall be inserted for the purpose of exploding the original charge until the same be exploded, and no hole shall be bored in the neighbourhood of an unexploded charge for the purpose of exploding it by means of the explosion of a charge in the new hole.
- XII. A charge of any explosive which has hung fire, or is supposed to have missed fire, shall not be visited until Forty-five minutes shall have elapsed from the time of lighting the fuse thereof; but this shall not apply to charges fired by an electric current, and every case of an explosive hanging fire, or being supposed to have missed fire, shall be reported by the person laying the charge to the person (if any) under whose immediate control or direction he may be, before the same is visited. No hole shall be charged with explosives unless it is intended to immediately fire the charge, and if any such charge is not fired or exploded it shall be treated as a miss-fire.

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xiii. In the event of the bottom of a hole in which a blast has been exploded remaining in any working place, then, unless or until it can be clearly seen by two persons that no explosive remains unexploded in such bottom, no work, whether of boring, barring down (except so far as may be absolutely necessary in order to make it safe to approach such bottom), picking, or otherwise, shall be done in such place, until such bottom has been broken away and completely exposed by a further charge or further charges inserted therein; but, for the purpose of inspection, such bottom shall be carefully cleaned out, water being freely used therein, before being finally proved to contain no explosive. This rule shall apply to all "old bottoms," wherever found.

xiv. After the last shot has been fired in any working place in any open cut, and before any relief of shift, the person firing such shot, or a competent person being a member of the party firing such shot shall, except in the case of a miss-fire or a hang-fire, carefully inspect the face of such place. In the event either of any danger being found to exist, or of a shot missing fire or hanging fire, the fact shall be reported to the relieving shift before it comes to the face.

The members of a relieved party shall, on proof of failure to make the inspection or the report required as aforesaid, each be guilty of an offence against the Act, notwithstanding that such failure is the wrongful act or omission of a member or members of such party to whom the other member or members have entrusted the duty of making such report or inspection.

xv. No person under the age of Eighteen years shall use explosives, charge a hole with explosives, or fire any charge of explosives.

xvi. No drill hole shall be bored in any remaining portion of a hole in which a charge of high explosive has been previously exploded.

xvii. Nitro-glycerine compounds shall not be used in a frozen or hard state; when in such frozen or hard state they shall be thoroughly thawed or softened previous to use, in a dry vessel heated by warm water, of a temperature not higher than 130° Fahrenheit.

xviii. In all cases where the fumes arising from the explosion of any nitro-glycerine compound cannot be effectively dispersed by ventilation or spray of water from the mine, such fumes shall be neutralised or rendered innocuous by the person in charge of the blasting operations by the use of a spray of solution of sulphate of iron before the miners are permitted to return to the sites of such blasting operations.

Owners of mines or persons employing miners in blasting with nitro-glycerine compounds shall supply such miners with proper and safe means of thawing such compounds, and with the means of spraying.

5. Every underground plane whether self-acting or worked by an engine, windlass, whim, whip, or gin, shall, for the use of persons travelling thereon, be provided (if exceeding Thirty yards in length) with some proper means of signalling between the stopping-places and the ends of the plane, and shall be provided in every case, at intervals of not more than Twenty yards, with sufficient man-holes for places of refuge.

6. Every road on which the produce of the mine in the transit exceeds Eight tons in any one hour over any part thereof, and on which the load is drawn by electric traction, or by a horse or other animal, shall, for the use of persons travelling thereon, be provided at intervals of not more than One hundred yards with sufficient spaces for places for refuge, each of which spaces shall be of sufficient length and width for the purpose.

7. Every man-hole and space for a place of refuge shall be of such dimensions as an Inspector of Mines approves of, and shall, together with the approach thereto, be whitened and made conspicuous in such a manner as the Inspector directs. Every man-hole and space shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto.

8. The top and all entrances between the top and bottom of every working or pumping shaft shall be properly and securely fenced and furnished with gates, or securely covered, and kept so fenced and furnished or covered; but this provision shall

Man-holes in
self-acting or
engine planes.

Spaces in
horse roads.

Keeping
spaces clear.

Fencing of
entrance to
shafts.

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not be taken to forbid the temporary removal of any fence or cover for the purpose of repairs or other operations, if proper precautions are used ; and every abandoned or disused shaft, or dangerous excavation, shall be safely and securely fenced or covered in or filled in by the owner, lessee, or occupier of the land upon which such disused shaft or dangerous excavation is situated, and shall be kept so fenced or covered or filled in, and its position indicated on the surface by a post, with a notice thereon affixed, or cairn of stones, or such other permanent distinguishing mark as an Inspector thinks sufficient. Any proceedings for a breach of any of the provisions of this Rule may at the election of an Inspector be taken against the owner, lessee, or occupier for the time being.

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9. No debris, refuse, or other materials which is or are likely to be injurious to the health of those working in the mine shall be sent down a mine for the purpose of filling up excavations or for any other purpose.

Debris not to be used for filling excavations, &c. Vict. No. 9.

10. When a fence, gate, or cover has been temporarily removed from any entrance to a shaft to admit of the performance of ordinary mining operations, a strong horizontal bar shall be securely fixed across such entrance not less than Three nor more than Four feet from the floor of the brace, chamber, or drive, as the case may be.

Protection when fencing removed.

11. Every working or pumping shaft shall be securely cased, lined, or otherwise made secure.

Securing of shafts.

12. When a shaft is being sunk in rock formation and blasting operations are necessary, short cross-drives or man-holes of such dimensions as shall be approved of by an Inspector of Mines shall be formed at depths of every Two hundred feet for use by miners as places of refuge during the occurrence of blasts, and suitable ladders shall be provided as means of access to such man-holes from the bottom of the shaft.

Man-holes in shaft.

13. Every drive and every excavation of any kind in connection with the working of a mine shall be securely protected and made safe for persons employed therein.

Drive and excavation to be protected.

14. Suitable lights, effectually protected from draughts of air, shall be provided for the use of persons in every working plat in the main drives of any mine ; and the upper entrance to every winze, rise, or jump-up in any mine while open or unfenced shall be illuminated by a fixed light, which shall be kept constantly burning, and effectually protected from draughts of air.

Lights to be provided.

15. All levels in a mine shall be connected with winzes if the Minister upon the report of an Inspector of Mines shall so order.

Levels in all mines to be connected with winzes if ordered. Vict. No. 15.

16. Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man-engine, and another portion of the same shaft is used for raising material, the firstmentioned portion shall be cased or otherwise securely fenced off from the lastmentioned portion ; and every shaft over One hundred feet in depth, and in which buckets are used for raising material, shall be skidded, and provided with means sufficient in the opinion of an Inspector to steady the bucket.

Division of shaft.

17. Every working shaft in which a cage is used and in which persons are raised or lowered, and every shaft in which appliances worked by steam or other machinery are used, shall be provided with guides and some proper means of communicating distinct and definite signals—

Signalling.

I. From the bottom of the shaft, and from every entrance for the time being in work between the top and the bottom of the shaft, to the top and and thence to the engine-room ; and

II. If required by an Inspector of Mines, from the engine-room and top to the bottom of the shaft and to and between every entrance for the time being in work between the top and the bottom of the shaft.

And in every working shaft in which a cage is used and in which more than one level is being worked at the same time a platman shall be placed in charge of the shaft. Any signal line used shall be accessible at any part of the shaft, and be so balanced as to be easily worked by hand without the aid of a lever ; no verbal signals or communications shall be made up or down a shaft exceeding Seventy-five feet in depth in which cages are used, except through speaking-tubes or telephones, which shall, whenever practicable, be placed in the pump compartment of such shaft.

18. Every person employed in a mine shall make himself acquainted with the system of signals used in such mine. A line or some other appliance shall be provided in each shaft, and every division of such shaft, to admit of danger signals being communicated to the engine-driver from any portion of such shaft or division.

Every person to know signals.

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Engine-driver
to see shaft.Signals to be clear
and distinct.Drives in mines to
be provided with
proper signals.Protection to persons
ascending or
descending shaft.Cage to be numbered
maximum number
of occupants.
No person to leave
moving cage.Material and men
not to be raised or
lowered at same
time.Pent-house over
shaft.
Vict. No. 22.How to descend
shaft.Shackle to be used
in lowering timber
down a shaft.Condition of
machinery.Person in shaft to
be securely stayed.

19. A clear view shall be kept for the engine-driver between his station and the shaft at the surface brace.

20. All methods of signalling in mines to indicate that men or material are to be raised or lowered in shafts shall be clear and distinct, and shall be posted and maintained in a clear and legible form on framed boards, one of which shall be placed in each chamber or entrance to the shaft, and one at the brace at or near the top of the shaft, and one in the view of the person in charge of the machine used for lowering or raising persons or material in such shafts.

Such methods shall be in accordance with such code as may from time to time be prescribed, and, until a code is prescribed, shall be subject to the approval of an Inspector of Mines, and shall also be subject to such alterations and amendments as may from time to time be indicated by the Minister on the report of the Inspector. Any neglect to carry out such methods shall be an offence against Part VIII. of the Act.

21. Wherever any underground work is being performed at greater distances from the shafts, or from the entrance to the adit level (in the case of an adit mine), than—

1. Two hundred feet in alluvial mines; or

11. Four hundred feet in metalliferous mines—

proper means shall, if and whenever required by an Inspector of Mines, be provided for communicating along the lower drives of the mines distinct and definite signals to and from the plats at the bottom of the shafts, and to and from places in which men may be at work; and also for communicating such signals effectively along the adit levels and drives of any adit mine.

22. Safety-cages shall be provided, kept, and used for raising or lowering men in any shaft when and wherever required by an Inspector of Mines.

23. A cage shall have a sufficient cover overhead when used for lowering or raising persons in any shaft; such cage-cover shall be at least Six feet Six inches above the floor of the cage, and shall be constructed of iron not less than One-quarter of an inch thick, or of steel not less than Three-sixteenths of an inch thick, and shall be fitted with sloping sides and securely hung on hinges so as to be readily lifted upward by persons within the cage. Whenever practicable, all persons working in shafts shall be protected overhead from falls of material down such shaft by means of a roof or other suitable appliance.

24. Every cage used in a mine shall have a distinguishing number, which shall be painted or marked thereon, and kept clearly visible, in such manner as an Inspector of Mines directs. The maximum number of persons that may lawfully be lowered or raised in one cage shall not exceed such number as the Inspector, having regard to the size and strength of the cage, gear, and machinery, specially authorises by writing under his hand. No person shall get off or on a cage while it is in motion.

25. No truck, tools, iron, timber, rails, or other material (except for repairing the shaft), and no explosives, shall be taken up or down a shaft in the same cage, bucket, or other carriage or receptacle with any person: Provided that this shall not be held to prevent the person actually having the custody of an explosive or explosives from riding in the same cage with such explosive or explosives.

26. No shaft shall be sunk below any place where men are at work unless such shaft, to a width of the winding compartments below such place, be covered by a securely constructed pent-house.

27. A proper ladder or footway shall be provided in every shaft or winze used for men ascending or descending, whether machinery be used or not, and also in any other shaft, whenever directed by an Inspector of Mines; and no person shall ascend or descend in any shaft or winze except by means of ladders, or in a man-engine, or in a safety-cage, unless for the purpose of effecting repairs to the shaft, or in case of emergency: Provided that men employed in shaft-sinking shall be allowed to ascend and descend by means of the bucket used for hoisting material, for a distance not exceeding Two hundred feet.

28. No timber shall be sent down any shaft unless secured to a rope by means of a shackle, or securely fastened in a cage or bucket.

29. All machinery, whether above or below ground, shall be kept in good order and condition.

30. Whenever any person by the aid of machinery ascends or descends a shaft in which a safety-cage is not used or available, he may, at his request, be securely stayed to the rope employed for lowering or raising in such shaft by a strap or other fasten-

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ing passing round the body under the arms, and such method of staying may be used by every person who finds it necessary in the execution of his duty to descend or ascend a shaft on the top of the cage-covers; and in all such cases the necessary straps or other fastenings shall be provided and kept available and ready for use in a convenient place, by the mine-owners. A.D. 1905.

31. A ladder permanently used for the ascent or descent of persons in the mine shall not be fixed in a vertical or overhanging position, except in shafts used exclusively for pumping, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows, and every such ladder, inclusive of ladders fixed in pump shafts, shall have substantial platforms at intervals of not more than Thirty feet. A suitable fixture for a hand-grip shall be placed above every ladder for the use of persons ascending or descending by it. The space between the rungs in a ladder provided after the commencement of the Act shall not exceed Twelve inches, and the rungs shall in no case be less than Six inches from the wall against which the ladder is placed. Chain or rope ladders used in shafts during sinking operations must not be so used over a greater length than Twenty feet. Inclination of ladders.

32. No open hook shall be used with a bucket in hoisting, but only such kind of hook or shackle as may be sanctioned in writing by an Inspector of Mines. Open hook.

33. A single-linked chain shall not be used for lowering or raising persons in any working shaft or plane, except for the short coupling chain attached to the cage or load. When chains are employed as couplings to cages, two single-linked chains of uniform size shall be used to each coupling. Single-linked chains.

34. Before any rope or chain is used in the shaft of a mine, it shall be tested at the mine and proved to be equal to carrying twice the weight of the ordinary load, which shall consist of the cage, truck, or buckets and contents, and weight of rope from bottom of shaft to pit-head pulley or windlass, and the working load shall not be more than One-eighth of the breaking strain of rope; and in mines where men are lowered or raised in shafts or winzes, the ropes and chains used for such purposes shall, whenever an Inspector of Mines may require, be tested and proved to be equal to carrying twice the weight of the ordinary load. The dates and results of every such test shall be recorded in a book to be provided and kept by the mine manager, and such book shall, on demand by an Inspector of Mines, be available to him for his perusal. Every such rope shall be reshod at least once in every Six months. Before any ropes are used for winding in a mine, including capstan ropes, the manager or owner shall obtain a certificate from the manufacturer, showing their breaking strain, such certificates to be available at the mine for the perusal of the Inspector: Provided that it shall not be necessary to obtain such certificate for ropes used within Twelve months after the commencement of the Act. Chains, &c., to be tested.

35. In the event of a mine ceasing operations for any period exceeding Six months, it shall be the duty of the mine owner, before work is resumed, to give notice to the Inspector of Mines for the district of such proposed resumption, and the Inspector shall forthwith examine the plant on such mine and shall make an entry in the mine manager's report book stating whether or not such plant may be used with safety to those employed in the mine, and no such mining operations shall be resumed as aforesaid unless the Inspector certifies that such plant may be worked with safety, or in the event of a dispute unless the Minister of Mines authorise the use of such plant. Examination of plant of mine which has ceased operations, before resumption of work.
32 Vict.

36. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if such drum is conical, such other appliances as may be sufficient to prevent the rope from slipping. Slipping of rope on drum.

37. There shall be attached to every machine worked by steam, water, oil, gas, electricity, air, or mechanical power, and used for lowering or raising persons or material, an adequate brake or other sufficient appliance (in addition to that on the fly-wheel) fitted to each winding drum or gear in such a manner that it can be applied by the engine-driver without leaving the starting handle of the engine, and also a dial or indicator (in addition to any mark on the rope) so placed that it will show to the person who works the machine the position of each of the cages or loads in the shaft or winze. In the case of shafts exceeding One thousand feet in depth, such brakes must be worked by steam, air, electricity, or water. There shall also be a sprag-block or such other appliances as may be sufficient, and so adjusted as to effectively hold the drum when out of gear and prevent it from revolving. Brakes to be fitted to machines.
Vict. No. 20.

Steam, &c., brakes,

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Cages to have
suitable appliances.
Rope-cleaners.Catches to be
affixed to skids.Safety-cages to be
tested periodically.
Vict. No. 43.Speed of raising
or lowering.

Dressing-room.

Person in charge
of machinery.

Fencing machinery.

Gauges to boilers.

Cleansing of boilers.

38. Every cage used in a mine shall be fitted with special and suitable appliances to prevent its sudden fall down a shaft, and also to prevent it coming into contact with the poppet-heads.

39. In every mine where iron or steel wire ropes of not less than One and a half inch in circumference are in use for hauling purposes, a proper machine, to be approved of by an Inspector of Mines, shall, whenever required by him, be provided and used for cleaning and oiling such ropes.

40. Spring catches, or automatic or self-acting doors or tumblers of a suitable kind shall, whenever practicable, be affixed to the cage-skids, guides, or framing below the poppet-heads of every shaft in which a cage is used, to prevent the fall of such cage down the shaft when detached from the rope or chain by over-winding. And such automatic or self-acting doors or tumblers shall be surrounded by proper platforms and hand-railings, and at every plat or level where trucks are removed on or off the cage while in the shaft, such shaft shall be fitted with bearers (not being loose wooden bearers) securely and strongly hinged to the solepiece of the plat-set; and gates shall be used in all shafts where hauling is done with cages.

41. Before any safety-cage is first used for raising or lowering men it shall be tested in the presence of an Inspector of Mines to show that it is supplied with proper appliances, and no such cage shall be used unless and until such Inspector gives a certificate to the effect that such cage is in fit working order and condition: Provided that if the Inspector be not available, the mining manager may test the cage, and shall record the result of any such test, and forthwith notify the same to the Inspector; and the cage shall be shown to the satisfaction of the Inspector to be supplied with proper appliances, and to be in fit and working order and condition, and thereupon the Inspector shall give a certificate to that effect. The mining manager shall test the cages at least once in every Two months and enter the result in his record book, or cause them to be so tested by a competent person and the result entered in his book, all cages to be tested from the drums with full and empty trucks, and wherever in a shaft an Inspector directs.

42. In raising or lowering men, the rate of speed shall not exceed Two hundred feet per minute when the cage or bucket is within One hundred feet of the surface, nor Five hundred feet per minute in any other part of the shaft.

43. If more than four persons are ordinarily employed in the mine below ground in one shift, sufficient accommodation and facilities shall be provided above ground near the principal entrance of the mine, and not in the engine-house or boiler-house, for enabling the persons employed in the mine to conveniently dry and change their clothes; and in no case shall men be allowed to change their clothes upon a boiler.

44. No person under the age of Twenty-one years or who does not hold a Certificate of Competency or of Service as required by "The Inspection of Machinery Act, 1902," shall be placed in charge of or have the control of any winding engine; and no person under the age of Eighteen years or who does not hold a Certificate of Competency or of Service wherever required by the "The Inspection of Machinery Act, 1902," shall be placed in charge of or have the control of any other engine, or of any boiler, winch, or generator used in connection with the working of any mine. No person in charge of any winding or other engine or boiler, winch, or generator used in connection with the working of any mine shall, under any pretext whatever, unless relieved by a competent person for that purpose, absent himself or cease to have continual supervision during the time the engine, boiler, winch, or generator is in use. At every shaft where machinery is used for winding purposes a bracedman shall be kept in constant attendance on miners during the time they are engaged in sinking such shaft. There shall be provided adequate protection from the inclemency of the weather for drivers of stationary engines, stokers, and bracedmen while on duty.

45. Every fly-wheel and all exposed or dangerous parts of the machinery, and every tramway constructed on an elevated platform, used in or about the mine, or in or about any works above ground, other than tramways worked by ropes, shall be and be kept securely and safely fenced. All ashpits or ash-heaps shall be kept securely and safely fenced.

46.—(1.) Every steam-boiler shall be provided with a proper steam-gauge and two water-gauges, to show, respectively, the pressure of steam and the height of water in the boiler, and with a proper safety-valve.

(2.) At least once in every Six months every boiler shall be thoroughly cleansed, and once in every Twelve months such boiler shall be subjected to an examination and hydrostatic test by a competent and properly qualified person; the test of working

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boilers shall be equal to One and a half times the pressure at which the safety-valve blows off, and that of new boilers double the intended working pressure. **A.D. 1905.**

(3.) Air-receivers shall be provided with a proper pressure-gauge, and shall be tested once in Twelve months to One-third over the allowed working pressure. **Air-receivers.**

(4.) Steam-gauges shall be tested and adjusted once in Twelve months, and no gauge shall be passed which varies more than Five pounds from the standard gauge. **Steam-gauges.**

(5.) The date and full description of every such cleansing and test under this rule, and of any repairs to or alterations in any boiler, air-receiver, or gauge, shall be entered in a book (to be kept on the mine) by the engineer in charge, or by the manager where no such engineer is employed on the mine, or by an engine-driver or bracman, and the entries in such book shall, on demand, be open to perusal by any Inspector of machinery or of mines. **Record in book kept in mine.**

47. The smoke from any boiler for generating steam, and from any furnace used in any part of the underground workings of a mine, shall not be allowed to escape into any part of such workings, nor in any manner other than by means of an air-tight flue conducting such smoke directly from the boiler or furnace into a vertical shaft cut in the rock up to the surface of the ground to the open air, or built up to the surface as aforesaid with bricks and cement in such manner as to be completely air-tight. No steam shall be allowed to escape into any part of the underground workings of a mine. **Smoke not allowed to escape.**

48. No person shall wilfully damage or without proper authority remove or render useless any fencing, covering, casing, lining, guide, means of signalling, signal-cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with the Act; and, except with the consent of a Warden, no person shall, after any shaft or underground workings shall have become disused for mining purposes, wilfully damage or render useless such shaft or workings by the removal of any timber, fencing, covering, casing, lining, ladder, platform, or other appliance provided in such shaft. Such timber, fencing, covering, casing, lining, ladder, platform, or other appliance in or connected with the shaft of any abandoned mine shall until such consent has been obtained be deemed to be the property of the Crown. **Wilful damage.**

49. In every working in a mine approaching or in the vicinity of a place likely to contain a dangerous accumulation of water, or noxious or inflammable gas, boring-rods shall be kept and used for the purpose of perforating the ground Twenty feet in advance in alluvial mines and Ten feet in metalliferous mines of, or near, or at any angle from such working, and no drive, gallery, or other excavation, and no extension of any working, shall be made within a dangerous distance of such accumulation of water or gas, and safety-lamps shall be provided for the use of the miners whilst working in such places. **Protection of abandoned shafts.**

50. In every mine which, in the opinion of an Inspector of Mines, is liable to an inundation or inburst of water, such additional rises, chambers, drives, and other workings, or any of them, shall be constructed as may seem necessary, and as may be directed by the Inspector for ventilation or in order to insure the escape of workmen from the lower workings, or their safety in the mine during the period of any inundation or inburst of water. A notice calling attention to the means of escape shall be conspicuously posted and kept so posted at the foot of each rise, jump-up, or passage provided or available for the purpose of escape. **Boring-rods to be used.**

51. Ladders, and, when necessary, convenient platforms connected therewith, shall be provided in each rise, jump-up, or passage giving access to workings at a higher or lower level or place in the mine. **Mines liable to be flooded to be provided with escape drives.**

52. Where the gradient of any inclined plane exceeds Ten degrees from the horizontal, no person shall, where such inclined plane is situated above ground, ride or be permitted to ride thereon, in any loaded truck, skip, wagon, or other vehicle or conveyance, and, no person shall, where any such inclined plane is situated underground, ride or be permitted to ride thereon, in any loaded or empty truck, skip, wagon, or other vehicle or conveyance. This rule shall not apply to any underlay shaft where a proper safety-cage is used. **Ladders to be provided in jump-ups.**

53. The batter of an open-cut, quarry, or other surface excavation, shall be at such an angle as, taking into consideration the surrounding conditions, shall be safe. **Riding in trucks, &c., on inclined plane.**

54. In no case shall the face of an open-cut be worked unless the ground from the bottom of the face to the depth of at least Fifty feet, or such other depth as an Inspector of Mines may direct, is absolutely solid and undisturbed. **Open-cuts. Angle of batter. Undermining face of open-cut.**

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Places of refuge,
"danger" and
"safety" signals
to be provided.

Signals to be
answered by
contiguous mines
before and after
blasting.

No person to be
permitted to work
by himself
in heavy or
dangerous ground.

Observance of
directions.

Manager in charge
of mine to inspect.

2 Ed. VII. No. 11.

Sanitary accommo-
dation and the
prevention of
nuisances.
Vict. No. 48.

Drinking water.
Vict. No. 49.

Books to be open
to inspection.

by mining operations for a distance horizontally in every direction of Two hundred yards, or such lesser distance as may be allowed by an Inspector of Mines. This Rule, however, shall not prohibit the sinking of passes from the floor of an open-cut for the purpose of filling up underground stopes, which stopes shall in all cases be kept securely timbered and "stowed up" as the ore or other material is extracted from them.

55. On all open-cut or other surface works where blasting is carried on, places of refuge, to be approved by the Inspector, shall be provided for workmen and others, and, before firing, a signal to signify "danger" shall be made with bell and flag, and after the firing is over a signal to signify "safety" shall be made.

56. When surface blasting is proceeding at one or both of two mines closely contiguous to one another, no shots shall be fired at either of them until the "danger" signal shall have been acknowledged by a signal from the other of them, to indicate that all workmen and others are in a place of refuge, and after the firing is over a signal shall be given to signify "safety," and shall be acknowledged from the other mine.

57. No mine manager shall permit any person to work by himself in ground which is heavy or dangerous, in or at any mine, either underground or at the surface.

58. Every person shall observe such directions with respect to working as may be given to him with a view to a compliance with the Act, or the Special Rules (if any) in force in the mine.

59. The mine manager of every mine, or some other competent person or persons approved by him for such purposes, shall once at least in every Twenty-four hours examine the state of all ropes, safety appliances, or gear connected with the cages or shafts of the mine; and shall once in each week carefully examine the buildings, machinery, shafts, levels, planes, and all places used in the working of such mine, and the condition of the mine; and shall record in writing, in a book to be kept on the mine for that purpose, his opinion as to their condition and safety, and as to any alterations or repairs required to ensure greater safety to the persons employed in the working of such mine; and he shall also record in the said book any mishaps or accidents other than of a trivial nature occurring in or about the mine or its machinery, and not attended with injury to any person. The mine manager, for the time being, shall be responsible for the condition and safety of such book, and such book shall on demand be open to perusal by any Inspector of Mines, or any Inspector under "The Inspection of Machinery Act, 1902," or any Warden of Mines. Every such rope, safety appliance, or gear, if condemned by any Inspector of Mines or Inspector of Machinery, shall be forthwith removed or made fit.

60. In and about every mine and the underground workings thereof, and in and about any works above ground wherein operations are carried on for the treatment of mine products (whether such works are in conjunction with a mine or not), proper provision to the satisfaction of an Inspector of Mines shall be made at all times for sanitation and for the prevention of nuisances, and for this purpose the Inspector may require the owner of the mine or of any such works to provide latrine accommodation and the use of disinfectants, and to make proper provision to his satisfaction for sanitation, and for the prevention of nuisances.

61. An adequate supply of pure drinking water (except where there is a natural and continuous supply of such water conveniently available) shall be provided in and about every mine for the use of the employees connected therewith, and all necessary provision for preventing such water becoming polluted or rendered unwholesome shall be made.

62. The books mentioned in these Rules or a copy thereof, and a copy of this Act, and of the Rules and Regulations thereunder, shall be kept at the office at the mine, or, if there is no office, at some convenient place near the mine; and any Inspector of Mines, or any Inspector under "The Inspection of Machinery Act, 1902," or any Warden of Mines, or any person employed in the mine, may at all reasonable times inspect and take copies from any such books or extracts from such Act, Rules, or Regulations.

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FIRST SCHEDULE.**PART (2.)****GENERAL RULES FOR COLLIERIES ONLY.**

In addition to the General Rules set forth in Part (1.) of the First Schedule, the following Rules shall also, so far as may be reasonably practicable, be observed in all collieries (whether upon Crown land or private property), and in the case of any variance between such General and the following Rules the latter shall prevail.

In the construction of the following Rules, the expression "Act" means Mining Act, 1905 :—

1. Every mine of coal or shale shall be under a manager holding a certificate of competency, or a certificate of service under the Act: Provided always that in the case of a mine where not more than Twenty persons are employed, it shall be sufficient for the manager to hold a permit from the Chief Inspector of Mines under the Act, which permit he may in his discretion grant, and such permit shall remain in force for Twelve months from the date thereof, but may be from time to time renewed at the option of the Chief Inspector.

Manager.

2. The mine, and all the operative details of the management thereof, shall be under the control and daily supervision of the manager, whose duty it shall be to carry out, and see carried out, the various provisions of any Act, Rules, or Regulations for the time being in force for the regulation of mines, so far as is incumbent upon him or those acting under his control or direction, and to see that the mine is properly ventilated, and that sufficient materials and appliances are always provided for the proper carrying out of all necessary operations. He must see that the working of the mine is carried on with all reasonable provisions for the safety of the persons employed.

Mine to be under control of the manager.

3. The manager shall take all reasonable means for carrying out the requirements of these Rules for coal mines by publishing and, to the best of his power, enforcing them.

Enforcement, &c., of Rules.

4. An adequate amount of ventilation shall be constantly produced in every coal mine to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, stables, and workings of the mine, and the travelling roads to and from those working places, shall be in a fit state for working and passing therein. The ventilation so produced shall be the supply of pure air in quantity not less than One hundred cubic feet per minute for each man or boy, and not less than One hundred and fifty cubic feet per minute for each horse, employed underground in the mine, which air (in that proportion, but with as much more as the Inspector shall direct) shall sweep along the airways, and be forced as far as the face of and into each and every working place where man, boy, or horse is engaged or passing, main return air-ways only excepted.

Adequate amount of ventilation to be produced.

5. Where a fire is used for ventilation in any mine newly opened after the commencement of the Act, the return air, unless it be so diluted as not to be inflammable, shall be carried off clear of the fire by means of a dumb drift or airway.

Ventilation by fire.

6.—(1.) A competent person or persons, appointed by the owner or manager for the purpose, not being contractors for getting mineral in the mine, shall, immediately before the commencement of each shift, inspect every part of the mine in which workmen are to work or pass during that shift, and shall ascertain the condition thereof so far as the presence of gas and the ventilation, roof, sides, and general safety are concerned. No miner or other workman shall proceed towards or into his working place at the commencement of any shift until it shall have been intimated to him by such competent person that the travelling roads and working places have been examined and are safe to enter.

Inspection before work commences.

(2.) A report specifying whether noxious or inflammable gases, if any, were found present, the condition of the ventilation, and what defects, if any, in roofs or sides, and what, if any, other source of danger were or was observed, shall be recorded, without delay, in a book to be kept at the mine for that purpose, and accessible to the workmen; and such report shall be signed by, and, so far as the same does not consist of printed matter, shall be in the handwriting of the person who made the inspection.

Report.

Mining.

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Weekly inspection.

Discovery of
noxious or
inflammable gas to
be notified to
mining manager.

Discovery of
inflammable gas to
be reported to
Inspector.

Safety-lamps to be
kept on a mine
where inflammable
gas is known to
exist.

"Ventilating
District."

Withdrawal of
workmen in case of
danger.

Use of explosives
below ground.

Fencing of
entrances.

Timber for legs, &c.,
to be kept on hand.

(3.) For the purpose of the foregoing provisions of this Rule Two or more shifts succeeding one another without any interval are to be deemed to be One shift.

7. In every mine worked at a greater depth than One hundred feet below the surface, and having any area of worked-out ground, goafs, or waste spaces where inflammable gas may possibly exist, an inspection, in addition to the one before work as aforesaid, shall be made once in every week with a locked safety-lamp; and such weekly inspection shall include all wastes, goafs, and old or abandoned workings within the ventilating district inspected.

8. Every person employed in or about any mine, who shall discover or notice the presence of any noxious or inflammable gas in such mine shall at once notify the same to the mine manager, or in his absence to the person in charge of the mine.

9. If at any time the discovery is made that inflammable gas exists in a mine, it shall be the duty of the mine manager, or in his absence of the person in charge, to report such discovery forthwith to the Inspector of Mines for the district, who, if he after an inspection considers that the quantity of gas so discovered is sufficient to render the use of naked lights dangerous, may, with the approval of the Minister, order the use of safety-lamps in the ventilation district in which the gas has been discovered.

10. Every owner of a coal mine shall, upon a discovery of inflammable gas being made in his mine, thereafter provide and keep provided and in good order and ready for immediate use, as many safety-lamps, of a make and pattern to be approved of by an Inspector of Mines, as may be required by men working in any part of the mine in which the use of naked lights may be considered dangerous by the inspector, and also a sufficient number of spare safety-lamps to meet any case of emergency.

11. For the purposes of these Rules the expression "Ventilating District" means such part of a seam as has an independent intake commencing from a main intake air-course, and an independent return air-way terminable at a main return air-course.

12. If at any time it is found by the person for the time being in charge of the mine, or any part thereof, that by reason of inflammable gases prevailing in the mine, or that part thereof, or of any cause whatever, the mine or that part is dangerous, every workman shall be withdrawn from the mine or part so found dangerous, and a competent person appointed for the purpose shall inspect the mine or part so found dangerous, and if the danger arises from inflammable gas, shall inspect the mine or part with a locked safety-lamp; and in every case shall make a true report of the condition of the mine or part; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof, or for exploration, be re-admitted into the mine, or part so found dangerous, until the same is stated by the person appointed as aforesaid not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

13. Gunpowder or other explosive or inflammable substance shall only be used in a mine as hereunder provided; that is to say:—

i. It shall not be stored on the surface or adjacent to the mine except in such magazine and in such quantities as may be in writing approved by the Minister. Detonators shall be stored in a separate magazine.

ii. It shall not be stored in the mine.

iii. It shall not be taken into or kept in the mine except in cartridges in a secure case or canister containing not more than Eight pounds of powder or Four pounds of nitro-glycerine compound, and it shall be so taken or kept only when required for immediate use: Provided that on the application of the owner, agent, or manager of any mine, the Minister may, by order, exempt such mine from so much of this Rule as forbids taking an explosive substance into the mine except in cartridges.

iv. A workman or party of workmen shall not have in use at any one time in any one place more than one of such cases or canisters.

14. Every entrance to any place which is not in actual use or course of working and extension shall be properly fenced across the whole width of the entrance, so as to prevent persons inadvertently entering the same.

15. The manager shall see that a good and sufficient supply of sound timber for legs, collars, lagging, props, lids, sprags, and cogs, and also an ample supply of ropes, battice cloth, and other requisite materials, are provided and kept on hand for the use of the men employed.

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16. Where a place is likely to contain a dangerous accumulation of water, the working approaching that place shall not at any point within Forty yards of that place exceed Eight feet in width, and there shall be constantly kept at a sufficient distance, not being less than Five yards in advance, at least One bore-hole, near the centre of the working, and sufficient flank bore-holes on each side.

A.D. 1905.

Dangerous accumulations of water.

17. Every travelling road on which a horse or other draught animal is used underground shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing against the roof or timbering.

Dimensions of travelling roads.

18. The gate roads in "Long Wall" workings shall not be more than Fifty yards apart, and, where practicable, the length of such roads from the coal-face to the go-by or pony road shall not exceed Sixty yards. The gob pack-walls at road-sides shall be carried forward to within Five feet of the face before fresh holing is commenced; no prop shall be built into or touch these walls. The "goafs" or spaces between gate roads shall be kept well filled with gobs or debris as the work proceeds.

Gate roads, &c.

19. Every person employed hewing or cutting coal in any coal mine, whether in Long Wall, Bord, Heading, or place, shall, before commencing to "hole" or undercut the seam, render the same secure by "spragging" with suitable timber props placed not more than Six feet apart, a second row of short sprags to be used if the "holing" is carried in more than Three feet from the face. In all Pillar and Bord or Pillar and Stall working the pillars shall be of rectangular shape, or as near thereto as practicable. All pillars in each division of the mine shall be of uniform size. The percentage of coal to be left in such pillars in the first working shall be as follows:—Where the depth from the surface of the ground does not exceed Two hundred feet, Fifty per cent.; from Two hundred to Five hundred feet, in the proportion of from Fifty to Sixty per cent.; from Five hundred to One thousand feet, in the proportion of from Sixty to Seventy per cent.; from One thousand to Two thousand feet, in the proportion of from Seventy to Eighty-five per cent.: Provided that in every case where the coal is not to be recovered from the pillars, Ten per cent. less than the quantity hereinbefore stipulated may be left in the pillars at first working.

Seams to be made secure by spragging. Size of coal pillars.

20. The top of every shaft which for the time being is out of use, or used only as an air-shaft, shall be and shall be kept securely fenced.

Fencing of shafts.

21. Every shaft in course of sinking shall be provided with a trolley to run over the pit's mouth, and receive the load when brought to the surface. Such trolley to be large enough to cover the opening at pit top. This rule shall not apply to sinking with windlasses worked by hand.

Trolley over pit mouth.

22. The roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not made so secure.

Securing of roofs and sides.

23. Where there is a down-cast and furnace shaft to the same seam, and both such shafts are provided with apparatus in use for raising and lowering persons, every person employed in the mine shall, on giving reasonable notice, have the option of using the down-cast shaft.

Option of using down-cast shaft.

24. In any mine or part of a mine where naked lights are used, all brattice cloth used shall be of a non-inflammable character.

Brattice cloth.

FIRST SCHEDULE.**PART (3.)****GENERAL RULES FOR SMELTING WORKS ONLY, WHETHER CARRIED ON IN CONJUNCTION WITH MINING OPERATIONS OR NOT.**

1. The owner of every smelting works shall provide an ample supply of pure drinking water for the use of all persons employed in or about such works, and such supply shall be freely and easily available. All necessary provision shall be made for preventing such water becoming polluted or being rendered unwholesome.

Drinking water.

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Vessels containing tea, &c., to have tight-fitting lids.

Stand pipes, &c., for laying dust to be provided.

Bath houses and changing rooms at smelting works where lead ores smelted.

Prevention of emission of flue-dust.

Flue-dust to be wetted.

Furnaces to have special hoods.

2. No person employed in or about any smelting works shall carry any vessel containing tea, water, or other fluid for drinking purposes unless the vessel is covered by a tight-fitting lid, which shall not be removed in the works, except when a drink is required.

3. On feed floors, tapping floors, and at every other place in any smelting works where dust is raised, stand pipes and hose or other suitable contrivances shall be provided by the owners of such works, together with an ample supply of water for sprinkling, so that the dust may be conveniently laid. Proper provision shall be made in every smelting works to enable men to wash their hands.

4. At every smelting works where lead ores are smelted, sufficient accommodation in the way of bath houses and changing rooms shall be provided by the owners of such works to the satisfaction of an Inspector of Mines; and such accommodation shall be available to the workmen free of cost at all reasonable hours, and for use by every shift. An adequate supply of clean water shall be provided, warmed to at least 70 degrees F. in cold weather, and be available for such bath houses. A caretaker shall be in charge of bath houses and changing rooms; and it shall be part of his duty to keep a day book, and to record therein the names of all persons who use the baths. No person shall destroy, damage, deface, or disfigure any bath house or changing room, or any appliances therein, or used in connection therewith, nor be guilty of unseemly or indecent conduct. No person shall enter or use any bath house or changing room whilst in an intoxicated state.

5. Adequate provision shall be made by owners of smelting works to prevent, as far as practicable, the emission of flue-dust from smelter stacks.

6. Adequate provision shall be made for carefully wetting flue-dust as soon as it is drawn from the flue. Flue-dust shall not be permitted to accumulate so as to be a nuisance or injurious to the health of workmen.

7. At all works where lead ores are smelted, furnaces shall be surrounded with a hood, which shall expand below so as to catch fumes from molten metal and slag. Such hood shall terminate in a chimney, or other means of access to the air.

SECOND SCHEDULE.

RULES OF COURT.

Plaint.

In the construction of these Rules, the expression "Act" means Mining Act, 1905.

Vide Part XI., s. 237.

1. In all civil cases the proceedings shall, except where otherwise prescribed by the Act, be commenced by a plaint in the following form, or as near thereto as circumstances will permit, and the plaint shall be prepared and signed by or on behalf of the plaintiff, and shall specify his address for service.

PLAINT.

In the Warden's Court for No.
A.B. of , complains of G.H., of , for that [*here state grounds on which plaintiff proceeds, e.g.*: the said G.H. has not for the space of days worked or registered a certain claim known as , whereof he was lately in possession; or the said G.H. is indebted to the said A.B. in the sum of £ upon the balance of accounts of a partnership between the said A.B. and G.H., a statement of which accounts is hereto annexed].

The said A.B. therefore prays that [*here state relief sought by plaintiff, e.g.*: the said G.H. may be ordered to pay the same; or the said G.H. may be declared to have forfeited the said claim].

Dated this day of 190

A.B., Plaintiff.

To the Defendant.

Mining.

2. When parties in any cause have appeared by attorney, all notices and summonses by the Act or by these Rules authorised or directed to be served in such cause may be served by or upon the attorney or by or upon the parties.

3. The plaintiff shall set forth the name and address of the plaintiff, and also of the defendant, so far as the same are known to the plaintiff. It shall set forth a sufficient cause of action or complaint, and conclude with a prayer for the relief to which the plaintiff believes himself to be entitled; if there is more than one ground of action, each shall be stated in a separate paragraph, and all such paragraphs shall be numbered consecutively.

The items or particulars of demand, if any, shall be annexed to or contained in the plaint, and shall be full and explicit.

4. In all cases where particulars of demand are required to be annexed the plaintiff shall prepare and lodge at the Warden's office at the time of lodging the plaint as many copies of the particulars of demand as there are defendants to be served, and an additional copy to be filed.

5. Where the plaintiff sues for a debt or damages, but desires to abandon a portion or to admit a set-off, and sue for the residue, the abandonment or the admission of a set-off shall be entered on the particulars and copies.

6. The plaintiff shall deposit his plaint, together with a summons, prepared by him, in the following form, stating the substance of his action, and as many copies of the summons as there are defendants, with the Warden, who shall thereupon sign and issue such summons for service, or shall cause them to be signed and issued by an officer authorised in that behalf. The Warden shall fix the time and place of hearing.

SUMMONS.

In the Warden's Court for

To [*insert defendant's name and address*].

You are hereby summoned to appear before the Warden's Court at _____ on the _____ day of _____, at Ten o'clock in the forenoon, to answer the following complaint of A.B., of _____ [*here set out a copy of plaint*].

If you intend to dispute the plaintiff's claim, you must file in this office a notice of defence, containing the grounds of your defence, at least Three clear days before the day appointed for the hearing.

You may have a summons to compel the attendance of any witness, or for the production of any books, plans, or documents, on applying at my office.

Dated this _____ day of _____, 19 _____.

C.D., Warden.

Such summons may be made returnable at any time fixed by the Warden.

7. Every summons shall be served at least Ten clear days before the return day thereof. Provided that any summons may issue and be served at any time before the hearing if the Warden so directs or the defendant consents.

8. When a summons has not been served, successive summonses may be issued without entering a fresh plaint, provided that no successive summons shall be issued on a plaint after the expiration of Six months from the date of the filing thereof.

9. When it is the intention of the defendant to dispute the right of the plaintiff to the relief sought for, or any part thereof, the defendant shall, at least Five clear days before the day fixed for hearing of the plaint, lodge at the Warden's office a notice of defence, containing a statement of the grounds upon which he relies, together with as many copies of such defence as there are plaintiffs, and the Warden shall cause a copy to be delivered to each plaintiff or his attorney.

When a defendant intends to plead that he is not indebted by reason of his not being a shareholder in any mining venture, he shall specify the same in his plea.

10. All facts, save statements as to amount of damage alleged in a statement of claim which are not denied or disputed by a notice of defence, shall be taken, as against the defendant failing to deny or dispute them, to be true, and upon the hearing of the statement of claim the plaintiff shall not be required to adduce evidence in support thereof: Provided a Warden may at any time stay further proceedings, or set aside any order, and give leave to defend on such terms as he deems just.

11. In all actions for the recovery of a debt or money demand the defendant shall be at liberty to include in the grounds of his defence all matters of set-off or counter-

A.D. 1905.

Service on Attorneys.

Nature of plaint.

Particulars of demand.

Copies of particulars.

Abandonment of part of claim and admission of set-off.

Service of summons.

Successive summonses.

Notice of defence.

Set-off and counter-claim.

Mining.

A.D. 1905.

Form of notice of
defence.

claim, and in all other cases the defendant may pray for any cross-relief to which he considers himself to be entitled as against the plaintiff in respect of the same matter.

The items or particulars of such set-off or counter-claim, or the grounds upon which the cross-relief is prayed, shall be set forth explicitly in the defendant's notice of defence.

The Court may order the statement of claim, counter-claim, and claim for cross-relief to be heard together or separately, as it thinks fit.

12. The notice of defence shall be in the following form :—

NOTICE OF DEFENCE.

In the Warden's Court for

A.B. v. G.H.

Take notice that I intend to defend the plaintiff's claim in this action on the following grounds, viz. [*here set forth the different grounds on which the defendant rests his defence. If the defendant prays for cross-relief, proceed as follows*] :—

And the defendant complains of the plaintiff for that the plaintiff [*proceed as in plaint*]. The defendant therefore prays that [*proceed as in plaint*].

Dated this day of 19 G.H., Defendant.
To the abovenamed Plaintiff.

Witnesses.

13. Each party shall be entitled to procure the attendance of witnesses by means of subpoena, to be issued by the Warden in the following form, or as near thereto as circumstances will permit :—

SUBPOENA.

In the Warden's Court for

Between A.B., Plaintiff, and G.H., Defendant.

To E.F., of

You are hereby required to attend before this Court on , the day of , at ten o'clock in the forenoon, and at every adjournment of this case, to give evidence on behalf of the [*plaintiff or defendant*]. And you are hereby required to produce to the Court [*here state the particular things required to be produced*], and also all other books, papers, documents, plans, or things in your custody, possession, or power, relating to the subject-matter of this case.

If you neglect to comply with this summons you will be liable to a fine not exceeding Five Pounds.

Dated this day of , 19 .

C.D., Warden.

or
I.J., Clerk.

Expenses of witness.

14. Every witness so subpoenaed shall be entitled to require payment of his travelling expenses in accordance with the scale of allowance in force under "The Local Courts Act, 1896," and its Amendments. A witness who has been duly summoned, and to whom payment or tender of payment of such expenses has been made, and who fails without sufficient cause to appear, shall be liable to a fine of Five Pounds.

Affidavits

15. Every affidavit intended to be used in any Warden's Court or before any Warden, shall be intituled in the cause, and made in the first person.

16. Every affidavit used in the Warden's Court or before a Warden shall be delivered to such Warden or such Warden's Clerk, and shall be retained by such Warden, and preserved by him in such order that it may afterwards, if necessary, be referred to.

17. The condition and true place of abode of every person making an affidavit shall be inserted therein, and in every affidavit made by Two or more deponents the names of the several persons making such affidavit shall be written in the jurat; and no affidavit shall be read or made use of in a Warden's Court or before a Warden in the jurat of which there is any interlineation or erasure, or in the body of which there is any interlineation or erasure not initialled in the margin by the person before whom it is sworn.

Mining.

18. When any affidavit is sworn by any person, who from his or her signature appears to be illiterate, the person taking such affidavit shall certify or state in the jurat that the affidavit was read in his presence to the person making the same, and that such person seemed to understand the same, and also that the said person wrote his or her mark or signature in the presence of the person taking such affidavit. A.D. 1905.

19. When parties are empowered to require assessors, they shall deliver a notice in writing to the Warden, not later than Seventy-two hours before the time appointed for the trial, requesting him to select assessors. Assessors.

Thereupon, and upon payment of the prescribed fees and expenses, the Warden shall issue a summons in the following form :—

SUMMONS TO ASSESSORS.
In the Warden's Court for
A.B. v. G.H.

You are hereby summoned to appear and serve as an assessor in this Court at
on , the day of , 19, at the hour of , in
the noon, upon the trial of the above cause, and in default of your attendance
you will be liable to a fine not exceeding Five Pounds.

Dated this day of 19 .

C.D., Warden,
or
I.J., Clerk.

To , of

20. The plaintiff may at any time serve upon the defendant or his attorney, and upon the Clerk, notice, in writing, of discontinuance, and thereupon the defendant may have his costs taxed, and the Warden may order the plaintiff to pay the defendant the amount thereof. Discontinuance.

21.—(1.) The defendant in any proceeding for or which includes a money demand may, at any time before the summons is heard, pay into Court such sum of money as he thinks a full satisfaction for such demand, together with the costs incurred by the plaintiff up to the time of such payment, and of serving the notice next hereinafter mentioned. Payment into Court.

(2.) The defendant paying into Court as aforesaid shall serve written notice thereof on the plaintiff, at his address for service.

(3.) If the plaintiff, having been served with such notice at least Forty-eight hours before the day of hearing, elects to proceed after such service, and recovers no further sum in respect of such money demand than the sum so paid into Court, he shall pay to the defendant the costs incurred by him after such service, unless the Court otherwise directs.

22. At the time and place appointed the parties shall attend and state their cases before the Warden, and may call evidence on oath in support thereof, and the Warden, having heard such statement and evidence, shall give his decision. Hearing.

23. The Warden may adjourn the hearing of a suit, or any matter, to any other time or place, and may, either at the original hearing or at any adjournment, proceed in the absence of either party. Adjournment.

24. The Warden may decide any suit, and any matter arising thereon, or which he has power to hear or determine, in such manner as may be just, and may make and give all orders and directions necessary for enforcing his decision, and may award reasonable costs. Power on hearing.

25. If the defendant does not appear on the return day of the summons, and it is proved to the satisfaction of the Warden that the summons was duly served, the Warden may proceed to hear the suit or matter *ex parte*, and to adjudicate thereon as fully and effectually as if the defendant had appeared. Non-appearance of defendant.

26. If the plaintiff does not appear at the time appointed, and good cause for his absence is not shown, the Court may dismiss, strike out, or adjourn the suit, with or without costs, as it thinks fit : Non-appearance of plaintiff.

Provided that any time before the conclusion of the sitting of the Court, whether the sitting extends over one or more days, the Court may, upon such terms as it thinks fit, reinstate any suit which has been so dismissed, struck out, or adjourned.

27. When a party has made default in payment of the whole amount awarded by the judgment or order, or of an instalment thereof, any property of such party may be Default in payment of judgment debt.

Mining.

A.D. 1905.

Warrants of
execution.

taken in execution, and a warrant of execution may issue for the whole amount of judgment and costs then remaining unsatisfied.

28. Every warrant of execution shall bear date on the day on which it is issued, and shall continue in force for Twelve calendar months from such date and no longer, but may be renewed before the expiration of Twelve months for a further like period upon an affidavit being filed that the amount due has not been paid. Every such warrant shall be in the following form, or as near thereto as circumstances will permit:—

WARRANT OF EXECUTION ON A JUDGMENT.

In the Warden's Court for

Between A.B., Plaintiff, and G.H., Defendant.

To , of , Bailiff of the Warden's Court , and
to the Deputy-Bailiffs and others duly authorised to execute the processes
of this Court.

Whereas, on the day of , 19 , the plaintiff obtained a judgment of this Court against the defendant for the sum of £ for debt [or damages] and costs [or it was ordered by the Court that judgment should be entered for the defendant, or that judgment of nonsuit should be entered, and that the sum of £ for costs be paid by the plaintiff to the defendant]; and whereas default has been made in the payment thereof: These are therefore to require and order you forthwith to levy on the lands, tenements, and hereditaments, goods, chattels, credits, and effects of the defendant [or plaintiff], wheresoever they may be found (except the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of Five Pounds), the sum of pounds shillings pence, besides the costs of this execution, and also to seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, or securities for money of the defendant [or plaintiff], or such part or so much thereof as may be sufficient to satisfy this execution and the costs of making and executing the same, and forthwith to return the same to me, to be paid over to the plaintiff [or defendant], together with this warrant.

Dated this

day

19

By the Court,

C.D., Warden.

or

I.J., Clerk.

£ s. d.

Judgment	...	...	...	...	...	...	...	...	:	:
Costs	...	...	...	...	...	...	...	...	:	:
Execution	...	...	...	...	...	...	...	...	:	:
Alias	...	...	...	...	...	...	...	...	:	:
									£	:
									:	:

Notice and date of
sale.

29. No sale of goods levied under an execution shall be made sooner than the sixth day after the day on which the same were levied: Provided that goods of a perishable nature may be sold immediately on seizure.

No sale of land taken in execution shall be made sooner than the Twenty-second day after the levy.

Notice of sale under execution shall be given by the Bailiff or his deputy by affixing a notice thereof upon or near the house or place where the sale is to be made Four days at least before the day appointed for such sale, where the sale is of goods; and Fourteen days before the day appointed for sale where the sale is of land. Where the sale is of land notice of the intended sale, specifying the time and place thereof and describing the property to be sold, shall, Fourteen days at least before the day appointed for the sale, be advertised once in a newspaper generally circulating in the district where the execution has been levied.

Sale in execution.

30. All goods sold in execution shall be sold publicly by the Bailiff or his deputy for ready money to the highest bidder at or near the place where the same were levied upon, or at such place as may be convenient for the sale thereof.

31. If before notice of appeal is served upon the Warden execution has issued, and the amount of the judgment and costs of execution have been paid into the hands

Appeal before
payment over of
proceeds.

Mining.

of the Bailiff, or levied and not paid over to the successful party, the same shall remain in Court to abide the result of the appeal. A.D. 1905.

32. Judgment in detinue, if for the plaintiff, shall be for the value of the goods detained, together with a sum to be stated in the judgment by way of damages for the detention and costs. Judgment in detinue

But it may be made part of the order that on payment of damages for the detention and costs, and return of the goods on or before a day named, satisfaction shall be entered.

33. Every judgment shall be drawn up in the following form :—

Form of judgment.

JUDGMENT.

In the Warden's Court for

A.B. v. G.H.

The Court finds upon the verdict of the Warden [*or the Warden and assessors, as the case may be*] that [*inert decision*], and the Court orders [*set forth the order in full*].

Dated this

day of

19

C.D., Warden.

34.—(1.) Every notice of application for an injunction shall be in the following form :— Forms in Injunction.

NOTICE OF APPLICATION FOR INJUNCTION.

To G.H. of

Take notice that I intend to apply to the Warden's Court at , on the day of , 19 , at Ten o'clock in the forenoon, that an injunction may be granted by the Warden restraining you from [*here state acts required to be prevented, as, for instance, "working the claim known as ,"*] upon the following grounds—namely, [*here state the grounds in separate paragraphs*].

Dated at

this

day of

, 19

(Signed) A.B.

(2.) Every injunction (not being an interim injunction granted in a case of pressing emergency under Section Two hundred and forty-five of the Act) shall be drawn up in the following form :—

INJUNCTION.

In the Warden's Court for

Upon the application of A.B., of , whereof due notice has been given by the parties interested in opposing the same [*or to such of the parties interested in opposing the same as appear to me sufficient to represent the parties so interested*], and upon hearing E.F. and G.H., interested parties, and the evidence adduced by them, in opposition to the said application, I do hereby order and enjoin that the said E.F. and G.H., and each of them, their and each of their servants, workmen, and agents, be restrained from [*here state terms of injunction granted*] until the day of , 19 . [*In cases of appeal, if manager is to be appointed, add, and I appoint J.M., of , as manager of the said claim [or lease, &c.,] to carry on the works thereon and to pay the expenses thereof out of the receipts therefrom, and to pay the unexpended balance on such receipts into this Court weekly.*]

Given under the seal of the Court this

day of

19

C.D., Warden.

Costs and Fees.

35.—(1.) All the costs of any proceeding may be fixed by the Warden, or, under his instructions, by the Clerk, and may be apportioned between the parties or any of them in such manner as the Warden thinks fit; and in default of any special direction such costs shall abide the event of the action. Costs and fees.

(2.) The Warden shall, so far as such scale will apply, be guided in the taxation of costs by the scale of fees and charges allowed, under "The Local Courts Act, 1896," and its Amendments, to legal practitioners as between party and party in like cases. In any case to which such scale does not apply the costs shall be in the discretion of the Warden, and he shall fix them or direct them to be taxed in such manner and upon such scale or otherwise as he thinks fit.

In all cases where there is no money demand, the Warden shall, for the purposes of taxation, determine upon what scale the costs shall be taxed.

Mining.

A.D. 1905.

(3.) The Warden may in each case direct what number of witnesses shall be allowed on taxation of costs between party and party, and allowances for witnesses' expenses shall in no case exceed the rates prescribed by the scale in force under "The Local Courts Act, 1896," and its Amendments.

(4.) No costs of witnesses shall be allowed unless they have been summoned.

(5.) The Court may make such order as it thinks fit concerning the times and by what instalments any sum of money for which judgment is obtained shall be paid, and all such money shall be paid into Court unless the Court otherwise directs.

(6.) In any case where the Court reserves its decision, such decision may be given by the Warden at any subsequent sitting of the Court where he is exercising jurisdiction; or may be drawn up in writing signed by the Warden, and be forwarded by him to the Clerk, who on receipt thereof may read the same either in open Court at its next sitting or at a time and place duly notified in that behalf by him to the parties. Such decision shall have the same force and effect as if given by the Court.

(7.) The Court fees to be charged for processes issued out of the Warden's Court shall be in accordance with the scale of fees prescribed and in force for the time being under "The Local Courts Act, 1896," and its Amendments, and a table of all such fees shall be kept affixed in some conspicuous place in the Courthouse and in the Clerk's office at every place where the Court is held. All such fees shall be entered in a book to be kept for that purpose, and shall be remitted monthly to the credit of the Consolidated Revenue Fund.

(8.) No officer of the Court shall do any act in respect whereof a fee is prescribed unless and until such fee is first paid; but in the event of any such act being done without payment of the fee, such fee may by order of the Court be recovered from the person who should have paid the same, in like manner as in the case of a judgment of the Court.

Service of summons,
&c.

36. Every summons, warrant, order, process, notice, or other document signed by a Warden or Clerk, or other officer of the Court, shall be served or executed by the Bailiff of the Court, or, if there be no Bailiff, the Warden may deliver the same to the Bailiff or Assistant Bailiff of any Local Court, or to the local police constable, or other suitable person, who shall, without unnecessary delay, duly serve or execute the same.

Mode of service.

37.—(1.) Except in cases hereinafter specially provided for, the service of any summons, subpoena, process, order, notice, or other document whatsoever, service whereof is prescribed, shall be either personal on the person intended to be affected thereby, or by delivering the same at his usual or last known place of abode or business in Tasmania to some one apparently Sixteen years old. If such service is found to be impossible by reason of the person to be served being absent from his usual place of abode for more than Fourteen days, the Warden may direct the service to be effected within such time and in such manner as he thinks fit.

Provided that—

I. When the person to be served is working in any mine or other works underground, it shall be sufficient service to deliver the document at the mine or works to the mine manager, or to the enginedriver, bracedman, or other person apparently in charge of the mine or works:

II. Service of a document may be effected on a mining company or other corporation by delivering the same to a secretary, stationmaster, registered manager, agent, or clerk of the defendant:

III. When the person to be served avoids service, or keeps his house or place of business closed in order to avoid service, it shall be sufficient service to affix the document on the house or place of business, or to leave the document as near thereto as possible.

(2.) No summons, subpoena, process, order, notice, or other document, service whereof is prescribed, shall be served on a *Sunday, Good Friday, or Christmas Day*; such days shall nevertheless be counted in the computation of time required in respect of service.

(3.) When from any cause it has been found impossible to serve a summons within the time allowed, the Bailiff or other person shall give notice of the same to the Warden, who may extend the day of hearing of the plaint, and cause a fresh summons to be issued accordingly, and notice of such extension of time to be given to the plaintiff.

Mining.

(4.) If any dispute shall arise, or the Warden shall entertain any doubt as to the due service of any summons, the Warden shall be at liberty to examine witnesses, and to decide whether such service has been good or otherwise, and either to proceed to hear or to defer the hearing, as he shall think fit.

A.D. 1905.

38. The affidavit of service of a document shall be in the following form :—

Form of affidavit of service.

AFFIDAVIT OF SERVICE.

In the Warden's Court for

Between A.B., Plaintiff, and G.H., Defendant.

I, _____, of _____, in the State of _____,
make oath and say that I did, on the _____ day of _____, 19____,
duly serve the defendant, G.H. [or as the case may be] with a [state the nature of the document], a true copy whereof is hereto annexed, marked "A," at _____
by delivering the same personally to the said defendant [or as the case may be].

Signed and sworn at _____ aforesaid, this _____ day of _____, 19____, before me. } O.P., Bailiff.

[Indorse the copy of the document with the following certificate, to be signed by the person before whom the affidavit is sworn.] This is the paper writing marked "A" referred to in the annexed affidavit of O.P.

Sworn before me at _____, this _____ day of _____, 19____.

39. An order fining an assessor for non-attendance shall be in the following form :—

Form of order fining assessor.

ORDER FINING ASSESSOR FOR NON-ATTENDANCE.

In the Warden's Court for

A.B. v. G.H.

Whereas _____ of _____ was duly summoned to appear and serve this day as an assessor in this Court upon the trial of the above cause; and whereas he has neglected without sufficient cause shown to appear and serve as an assessor at this Court: It is hereby ordered that he shall forthwith pay to the Warden of this Court a fine of £ _____ for such neglect.

Dated this _____ day of _____, 19____.
By the Court,

C.D., Warden.

THIRD SCHEDULE.

In the Warden's Court for

In the matter of "The Mining Act, 1905."

Owner of machinery, and

Owner of mine at [here insert place of mine.]

I [A.B.], a Warden, having proceeded under the provisions of "The Mining Act, 1905," to ascertain and determine what would be the fair share to be borne by the said [here name of owner of mine] of the total expense of draining or drawing the water from the mines drained by the machinery of the said [the name of owner of machinery], do hereby assess the same at [here state the amount, and whether in one sum or in various sums at various periods, such periods to be stated]: And I do order the said [name of owner of mine] to pay the same moneys to the said [name of owner of machinery] in respect of the land or ground occupied or used by the said [name of owner of mine], at [place of mine], and known as [describe mine]: And I order that the said moneys be paid as follows [here state time or times of payment, and, if considered desirable by Warden, place of payment, as a bank or otherwise]: And I impose the following terms upon the said [name of owner of machinery], [here state the terms imposed]: And I order compliance with this order by the several parties herein named, and all those claiming or deriving title through them.

Vide s. 218.

Dated this _____ day of _____

A.B., Warden.

Mining.

A.D. 1905.

FOURTH SCHEDULE.

In the Warden's Court for
To the*Vide s. 219.*In the matter of "The Mining Act, 1905."
I [A.B.], Warden, certify that I did, on the day of
A.D. 19 make an order in the following terms [*here set out copy of Warden's*
order].

Dated this

day of

A.B., Warden.

FIFTH SCHEDULE.

To
Warden of Mines,

day of

19

Sir,

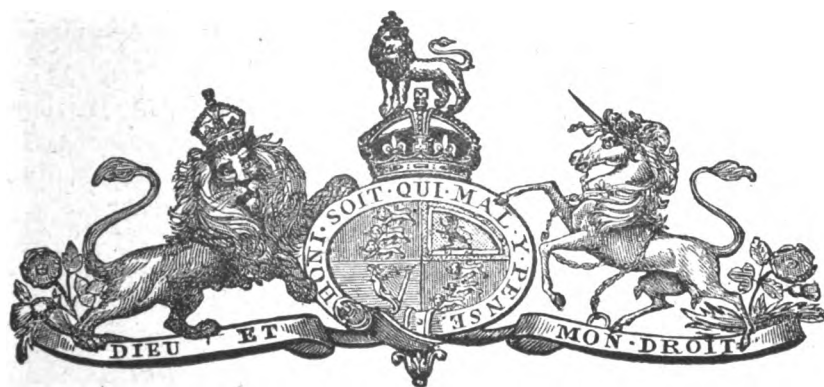
*Vide s. 93.*I [*or We*] beg to inform you that
the holder [*or holders*] of a lease [*describe it*] has [*or have*] committed a breach of
the covenants of the said lease by [*state how*] and I [*or we*] apply for an inquiry.In the event of the said lease being declared void I [*or we*] apply for a lease of
the land held under the said lease. [If part only of the land is required, the part
should be described.]I [*or We*] have lodged herewith the sum of

Pounds sterling as costs of

the inquiry, if granted.

[*Signature and postal address.*]

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 24.

AN ACT to authorise the Issue of Treasury A.D. 1905.
Bills to the amount of £137,000.

[6 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 The Governor may raise by the issue and sale of Treasury Bills any sum or sums of money not exceeding in the whole One hundred and thirty-seven thousand Pounds, for the purpose of redeeming any Treasury Bills falling due during the year One thousand nine hundred and six.

Governor may raise £137,000 by issue of Treasury Bills.

2 All principal sums contained in any Treasury Bills so issued and sold, and all interest due thereon, shall be chargeable upon and paid out of the Consolidated Revenue Fund; and all such principal sums shall be payable and paid at the Treasury at *Hobart*, or at such other place or places as the Governor may appoint, not later than Five years from the date of issue.

Sums raised and interest a charge upon the Consolidated Revenue Fund.

4d.]

Treasury Bills.

A.D. 1905.

Rate of and
payment of
interest.Bills to be
subject to
55 Vict. No. 2.

3 All Treasury Bills to be issued under this Act shall be dated the day upon which the same are issued, and shall bear interest, payable half-yearly, at a Rate not exceeding Four Pounds per centum per annum in respect of the whole moneys contained therein.

4 Save so far as is herein provided to the contrary, all Treasury Bills issued under this Act shall be subject to the provisions of "The Treasury Bills Act, 1891," as fully in all respects as if the provisions of the said Act had been re-enacted in this Act.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 25.



AN ACT to provide for the Reinstatement A.D. 1905.
of certain Persons as Purchasers of certain
Crown Lands, and for other purposes.
[8 November, 1905.]

BE it enacted by His Excellency the Governor of the State of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 The Commissioner of Crown Lands may, with the consent of the Governor, reinstate the persons named in Schedule (1.) hereto as purchasers of the several lots or areas of land set opposite to their names, under the provisions of the Acts regulating the sale or disposition of Crown Lands under which the purchases of such lots or areas were respectively made, and thereupon such persons shall be liable to pay all instalments upon such lands at the date of forfeiture, and all instalments thereafter due thereon, together with the amount of fines and charges for the cost of advertising, as provided in Section Ninety-six or Ninety-seven, as the case may be, of "The Crown Lands Act, 1904.]

Certain persons whose lands have been forfeited may be re-instated as purchasers, Schedule (1.).

Reinstatement of Crown Lands Purchasers.

A.D. 1905.

1903," together with interest at the rate of Five Pounds per centum from the date when such instalments became due: Provided that no such reinstatement shall continue of any effect after the First day of *January*, One thousand nine hundred and six, unless all instalments now overdue, together with the amount of fines and charges and interest aforesaid, shall have been paid.

Certain persons may be permitted to complete purchase of land. Schedule (2.).

2 It shall be lawful for the Governor to permit the persons named in Schedule (2.) hereto to complete the purchase of the several areas of land set opposite to their names, being portions of the areas originally purchased by them, upon the following conditions:—

- i. That the purchaser pays the prescribed expense of surveying the area to be retained by him:
- ii. That the area of land to be retained shall be selected in accordance with the Regulations under "The Crown Land Act, 1903."

Provided that if any purchaser fails to pay the prescribed expense of surveying the area of land to be retained by him within Three months of the passing of this Act, he shall not be permitted to avail himself of the privileges of this Section.

Purchase-money may be applied wholly towards payments for portion of land selected. Schedule (2.).

3 In every case in which the purchaser is permitted to avail himself of the provisions of the last preceding Section, it shall be lawful for the Commissioner of Crown Lands to apply the full amount of the money paid by such purchaser upon all the land originally purchased by him in and towards the payment of the purchase-money due and owing upon the area set opposite to the name of such purchaser in Schedule (2.) hereto, in accordance with the provisions of the said last preceding Section, notwithstanding that the whole or any portion of such land, and all or any part of the money paid as instalments thereon, have been declared forfeited to the Crown.

Victor William Hodgson to be permitted to complete purchase of land. Schedule (3.).

4 Notwithstanding anything to the contrary contained in any Act regulating the sale or disposition of Crown lands, it shall be lawful for the Commissioner of Crown Lands to permit *Victor William Hodgson* to complete the purchase of the land described in Schedule (3.) hereto; and upon payment into the Treasury within Three months from the date of the commencement of this Act of the balance of purchase-money the Governor is hereby authorised, in the name and on behalf of His Majesty the King, to convey and alienate the said land to the said *Victor William Hodgson* in fee simple or for any less estate or interest.

Commissioner may sell certain land to the *Hobart Town Gas Company*. Schedule (4.).

5 It shall be lawful for the Commissioner of Crown Lands to sell by private contract to the *Hobart Town Gas Company* the land described in Schedule (4.) hereto for the sum of One hundred Pounds; and upon payment of such sum of money into the Treasury it shall be lawful for the Governor, in the name and on behalf of His Majesty the King, to convey and alienate such land to the *Hobart Town Gas Company* in fee simple or for any less estate or interest.

Reinstatement of Crown Lands Purchasers.

6 Upon the owner for the time being of the land described in Schedule (5.) hereto surrendering such land to His Majesty the King, it shall be lawful for the Governor, in the name and on behalf of His Majesty the King, to convey and alienate the land described in Schedule (6.) hereto to such owner in fee simple or for any less estate or interest.

A.D. 1905.

Power to exchange certain land in Parish of *Taranna*. Schedules (5.) and (6.).

7 Notwithstanding anything to the contrary contained in "The Crown Lands Act, 1903," it shall be lawful for the Commissioner of Crown Lands to sell to *James Whittaker*, by private contract, upon the terms set forth in Section Seventy-five of the said Act, the land described in Schedule (7.) hereto for the sum of Ten Pounds, which shall be the purchase-money of the said land.

Commissioner may sell land by private contract to *James Whittaker*. Schedule (7.).

8 It shall be lawful for the Commissioner of Crown Lands to sell by private contract to the *Ringarooma Tin Mine, Limited*, the land described in Schedule (8.) hereto for the sum of Five Pounds; and upon payment of such sum of money into the Treasury it shall be lawful for the Governor, in the name and on behalf of His Majesty the King, to convey and alienate such land to the *Ringarooma Tin Mine, Limited*, in fee simple or for any less estate or interest.

Commissioner may sell certain land to The *Ringarooma Tin Mine, Limited*. Schedule (8.).

9 Notwithstanding anything to the contrary contained in "The Crown Lands Act, 1903," it shall be lawful for the Commissioner of Crown Lands to permit *Frederick Malcolm Clerk* to complete the purchase of the lands described in Schedule (9.) hereto; and upon payment into the Treasury within Three months from the date of the commencement of this Act of the balance of purchase-moneys the Governor is hereby authorised, in the name and on behalf of His Majesty the King, to convey and alienate the said lands to the said *Frederick Malcolm Clerk* in fee simple or for any less estate or interest.

Commissioner may permit *Frederick Malcolm Clerk* to complete purchase of certain land. Schedule (9.).

10 It shall be lawful for the Commissioner of Crown Lands to sell by private contract to *Patrick Kennedy* and *Margaret Ransom* the land described in Schedule (10.) hereto for the sum of Three Pounds Ten Shillings; and upon payment of such sum of money into the Treasury the Governor is hereby authorised, in the name and on behalf of His Majesty the King, to convey and alienate the said land to the said *Patrick Kennedy* and *Margaret Ransom* in fee simple or for any less estate or interest.

Commissioner may sell certain land to *Patrick Kennedy* and *Margaret Ransom*. Schedule (10.).

11 It shall be lawful for the Commissioner of Crown Lands to sell by private contract to *Alfred Henry Hawkins* the lot of Crown land described in Schedule (11.) hereto for the sum of Six Pounds, such sum to be paid in cash within Three months from the date of the commencement of this Act; and upon payment of such sum of money into the Treasury the Governor is hereby authorised, in the name and on behalf of His Majesty the King, to convey and alienate the said land to the said *Alfred Henry Hawkins* in fee simple or for any less estate or interest.

Commissioner may sell certain land to *Alfred Henry Hawkins*. Schedule (11.).

Reinstatement of Crown Lands Purchasers.

A.D. 1905.

Power to exchange certain land at Mathinna for other land to be surrendered. Schedules (12.) and (13.).

Commissioner may sell certain land to the Trustees of the estate of *George Peacock* deceased. Schedule (14.).

Power to exchange certain land in South Bruny Island. Schedules (15.) and (16.).

Commissioner may sell certain lands in Town of Wellington to certain persons. Schedule (17.).

12 Upon the owner for the time being of the land described in Schedule (12.) hereto surrendering such land to His Majesty the King it shall be lawful for the Governor, in the name and on behalf of His Majesty the King, to convey and alienate the land described in Schedule (13.) hereto to such owner in fee simple or for any less estate or interest.

13 It shall be lawful for the Commissioner of Crown Lands to sell by private contract to the Trustees of the estate of *George Peacock*, deceased, the land described in Schedule (14.) hereto for the sum of Five Pounds; and upon payment into the Treasury of such sum of money the Governor is hereby authorised, in the name and on behalf of His Majesty the King, to convey and alienate such land to the said Trustees in fee simple or for any less estate or interest.

14 Upon the Trustees of the Roman Catholic Church in *Tasmania* surrendering to His Majesty the King the land described in Schedule (15.) hereto, it shall be lawful for the Governor, in the name and on behalf of His Majesty the King, to convey and alienate the land described in Schedule (16.) hereto to the said Trustees in fee simple or for any less estate or interest.

15 Notwithstanding anything to the contrary contained in "The Crown Lands Act, 1903," it shall be lawful for the Commissioner of Crown Lands to sell by private contract, under the provisions of Section Seventy-four of the said Act, to the persons named in Schedule (17.) hereto, and at the prices set opposite their respective names, the lands opposite their respective names.

Reinstatement of Crown Lands Purchasers.

A.D. 1905.

SCHEDULES.

(1.)

Name of Purchaser.	Area or Lot of Land.	Locality.
Allan, Elizabeth	Lot 12, Sec. F.	Town of Gormanston
Bisdee, Harold	32a. 0r. 23p.	Parish of Oolumpta
Bisdee, Harold	67a. 2r. 17p.	Parish of Oolumpta
Bisdee, Reginald	195a. 0r. 25p.	Parish of Ainstable
Bisdee, Ellen Ina	203a. 3r. 10p.	Parish of Ainstable
Bisdee, Winchester M.	319a. 0r. 23p.	Parish of Ainstable
Bisdee, John Hutton	319a. 2r. 12p.	Parish of Ainstable
Bones, Denis	24a. 3r. 37p.	Parish of Bagot
Butler, Florence Aubrey	Lot 10, Sec. N2	Town of Queenstown
Dillon, Timothy	49a. 3r. 14p.	South Bruni Island
Fisher, Robert	Lot 15, Sec. P5	Town of Zeehan
Halladay, William	Lot 5, Sec. S2	Town of Gormanston
Harrison, William Atkinson	Lot 6, Sec. G	Town of Queenstown
King, Lewis Alfred	48a. 0r. 10p.	Parish of Gibson
McCarthy, Mary	Lot 12, Sec. Y2	Town of Queenstown
Propsting, Fred.	Lot 2, Sec. B	Town of Tullah
Pullen, George Gerald; Johansen, Carl Johannes; and Scannell, James Charles	Lot 1, Sec. B3	Town of Gormanston
Ryan, James	Lot 23, Sec. Z	Town of Queenstown
Tatlow, Walter Edward	102a. 2r. 37p.	Parish of Gibson
Terry, Amelia	9a. 35p.	Parish of Strahan

(2.).

Name of Purchaser.	Area to be granted.	Locality.
Cohen, Harriett	9a. 1r. 0p.	Parish of Malling
Kerr, William	48a. 2r. 0p.	Parish of Lisle
Owen, Francis Job	8a. 3r. 0p.	Parish of Bridgenorth
Owen, Francis Job	22a. 1r. 0p.	Parish of Bridgenorth
Owen, Sarah Ann	24a. 1r. 0p.	Parish of Bridgenorth
Owen, Sarah Ann	28a. 1r. 0p.	Parish of Bridgenorth
Robinson, Alexander	96a. 1r. 0p.	Parish of St. Albans
Simpson, Thomas	17a. 3r. 0p.	Parish of Hale
Appleyard, Elizabeth	26½ acres.	Parish of Raconah

Reinstatement of Crown Lands Purchasers.

A.D. 1905.

(3.)

COUNTY OF PEMBROKE.

PARISH OF BUCKLAND.

24a. 1r. 36p.

Bounded on the west by 8 chains 64 links northerly along Lot 14072 purchased by Victor William Hodgson commencing at the south-east angle thereof (crossing a reserved road 1 chain wide) on the north by 32 chains 46 links easterly along Crown land on the east by 8 chains 61 links southerly also along Crown land and thence on the south by 32 chains 45 links westerly along Lot 13022 purchased by Victor William Hodgson (recrossing the reserved road aforesaid and again crossing portion of that road) to the point of commencement. (Corr. No. 7568m.)

(4.)

CITY OF HOBART.

0a. 0r. 9p.

Bounded on the north-west by 2 chains $56\frac{2}{10}$ links north-easterly along 0a. 3r. 4p. purchased from the Crown by Joseph Hone Alexander McNaughtan and Askin Morrison but now belonging to the Hobart Town Gas Company commencing at the south angle thereof on a roadway on the north-east by $26\frac{4}{10}$ links south-easterly along Crown land on the south-east by 1 chain $34\frac{2}{10}$ links south-westerly also along Crown land again on the north-east by $7\frac{1}{10}$ of a link south-easterly also along Crown land again on the south-east by 1 chain $18\frac{1}{2}$ links south-westerly also along Crown land to the before-mentioned roadway and thence on the south-west by $18\frac{9}{10}$ links north-westerly along that roadway to the point of commencement. (Corr. No. 155m.)

(5.)

COUNTY OF PEMBROKE.

PARISH OF TARANNA.

0a. 0r. $11\frac{1}{2}$ p.

Bounded on the east by 72 links southerly along portion of Lot 9278 purchased by John Schenk commencing at a point on the Crown Reservation on Pirates' Bay distant 2 chains 48 links south-westerly from the north-east angle of that lot on the south-east by 1 chain 1 link south-westerly along a road on the west by $71\frac{2}{10}$ links northerly along other portion of Lot 9278 aforesaid to the Crown Reservation on Pirates' Bay aforesaid and thence on the north-west by 1 chain 1 link north-easterly along that reservation to the point of commencement. (Corr. No. 4815m.)

(6.)

COUNTY OF PEMBROKE.

PARISH OF TARANNA.

0a. 2r. 4p.

Bounded on the west by 5 chains southerly along Lot 9278 purchased by John Schenk commencing at a point distant 1 chain $98\frac{6}{10}$ links southerly from the north-east angle of that lot on the south by 1 chain easterly along Crown land on the east by 5 chains 50 links northerly also along Crown land and thence on the north-west by 1 chain $11\frac{8}{10}$ links south-westerly also along Crown land to the point of commencement. (Corr. No. 4815m.)

Reinstatement of Crown Lands Purchasers.

(7.)

A.D. 1905.

TOWN OF WELLINGTON.

LOT 1, SECTION K.

0a. 2r. 9p.

Bounded on the north by 2 chains $45\frac{6}{10}$ links easterly along Lot 2 purchased by Henry Newman commencing at a reserved road on the east by 3 chains 90 links southerly also along the last-mentioned lot and along Lot 3 also purchased by Henry Newman on the south by 40 links westerly along the last-mentioned lot to the before-mentioned reserved road and thence on the south-west by 4 chains $37\frac{4}{10}$ links north-westerly along that road to the point of commencement, (Corr. No. 5875m.)

(8.)

COUNTY OF DORSET.

PARISH OF BRANXHOLM.

0a. 3r. 3p.

Bounded on the south by 2 chains $28\frac{1}{2}$ links easterly along Crown land and along 10 acres of land purchased by E. E. Grace commencing at a point distant 1 chain $2\frac{1}{2}$ links westerly from a north-west angle of that land on the east by 3 chains 37 links northerly also along that land on the north by 2 chains $28\frac{1}{2}$ links westerly also along that land and along Crown land and thence on the west by 3 chains 37 links southerly also along Crown land to the point of commencement. (Corr. No. 8664m.)

(9.)

COUNTY OF CORNWALL.

PARISH OF WOODFORD.

49a. 3r. 11p.

Bounded on the east by 17 chains northerly along Lot 11889 purchased by Richard Gilbert Talbot commencing at a point distant 4 chains $40\frac{3}{4}$ links northerly from the south-west angle of that lot (crossing a reserved road 1 chain wide) on the north by 15 chains 98 links westerly along 30a. 0r. 11p. of land purchased by F. M. Clerk again on the east by 7 chains $79\frac{1}{2}$ links northerly also along that land again on the north by 13 chains $13\frac{1}{4}$ links westerly also along that land and along Crown land on the west by 8 chains 56 links southerly also along Crown land (recrossing the before-mentioned reserved road) again on the north by 4 chains 95 links westerly also along Crown land again on the west by 8 chains 45 links southerly also along Crown land on the south by 18 chains 6 links easterly also along Crown land again on the west by 7 chains $79\frac{1}{2}$ links southerly also along Crown land and thence again on the south by 16 chains easterly also along Crown land (crossing another reserved road 1 chain wide) to the point of commencement.

Also all those 30a. 0r. 11p. bounded on the south by 15 chains 98 links westerly along land purchased by F. M. Clerk commencing at the north-east angle thereof on the west by 7 chains $79\frac{1}{2}$ links northerly also along land purchased by F. M. Clerk on the south by 2 chains $65\frac{3}{4}$ links westerly also along that land again on the west by 10 chains $29\frac{1}{2}$ links northerly along Crown land on the north by 18 chains 67 links easterly also along Crown land (crossing a reserved road 1 chain wide) and thence on the east by 18 chains 14 links southerly also along Crown land and along Lot 11889 purchased by Richard Gilbert Talbot (recrossing the before-mentioned reserved road) to the point of commencement. (Corr. No. 8986m.)

Reinstatement of Crown Lands Purchasers.

A.D. 1905.

(10.)

TOWN OF HYTHE.

SECTION AA.

0a. Or. 12½p.

(Being portion of the Esplanade.)

Bounded on the north-west by 2 chains 14 $\frac{8}{10}$ links north-easterly along Section AA purchased by John Kennedy commencing at an angle of that section on the Esplanade on Southport distant 5 chains 80 links or thereabouts north-easterly from the angle formed by that Esplanade with George-street on the east by 1 chain 9 $\frac{7}{10}$ links southerly along that Esplanade on the south-east by 1 chain 21 $\frac{3}{10}$ links south-westerly also along that Esplanade and thence on the south-west by 44 $\frac{4}{10}$ links north-westerly also along that Esplanade to the point of commencement. (Corr. No. 8228m.)

(11.)

COUNTY OF PEMBROKE.

PARISH OF TARANNA (TASMAN PENINSULA).

0a. Or. 9p.

Bounded on the south-east by 2 chains and 48 links south-westerly along Lot 9278 purchased by John Schenk commencing at the north-east angle thereof on the west by 23 links northerly along the Crown Reservation on Pirates' Bay on the north-west by 2 chains and 48 links north-easterly also along that Crown Reservation and thence on the east by 23 links southerly also along that Crown Reservation to the point of commencement. (No. 1099-31A.)

(12.)

COUNTY OF CORNWALL.

PARISH OF FONTHILL, Lot 12623.

1a. 1r. 4p.

Bounded on the north by 2 chains 93½ links easterly along Crown land commencing at a point distant 3 chains and 30 links or thereabouts north-easterly from the north-east angle of Mineral Section 360-87G on the east by 4 chains 60½ links southerly along Crown land on the south by 2 chains 65 links westerly also along Crown land on the west by 2 chains 53½ links northerly also along Crown land again on the south by 28½ links westerly also along Crown land and thence again on the west by 2 chains 6½ links northerly also along Crown land to the point of commencement. (Corr. No. 5835m.)

(13.)

TOWN OF MATHINNA.

SECTION H1, Lot 1.

0a. 2r. 0p.

Bounded on the north-west by 2 chains 23 $\frac{7}{10}$ links south-westerly along Crown land commencing at a point distant 5 chains or thereabouts south-westerly from the south-west angle of Lot 4 Section Y on the south-west by 2 chains 23 $\frac{5}{10}$ links south-easterly along Crown land on the south-east by 2 chains 23 $\frac{7}{10}$ links north-easterly also along Crown land and thence on the north-east by 2 chains 23 $\frac{7}{10}$ links north-westerly along Thomas-street to the point of commencement (Corr. No. 5835m.)

Reinstatement of Crown Lands Purchasers.

A.D. 1905.
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(14.)

TOWN OF LOVETT.

0a. 0r. 10p.

Bounded on the north-west by 1 chain 16½ links or thereabouts north-easterly along Lot 258 purchased by James Priest commencing at a point on the Esplanade on Port Cygnet distant 32½ links or thereabouts north-easterly from the south angle of that lot on the north-east by 46½ links or thereabouts south-easterly along Lot 14 purchased by Henry Stephenson Hurst on the south-east and south by 1 chain 37 links or thereabouts south-westerly and westerly in 3 bearings along the Esplanade on Port Cygnet aforesaid and thence on the south-west by 23½ links or thereabouts north-westerly also along that Esplanade to the point of commencement. (Corr. No. 5721m.)

(15.)

COUNTY OF BUCKINGHAM.

PARISH OF SOUTH BRUNI ISLAND.

Lot 14936—2 acres.

Bounded on the south-west by 6 chains 8 links south-easterly along Lot 16116 purchased by Sarah Hennessy commencing at a north-west angle thereof on the Crown Reservation on D'Entrecasteaux Channel on the south-east by 3 chains north-easterly along Crown land on the north-east by 7 chains 25 links north-westerly also along Crown land to the Crown Reservation on D'Entrecasteaux Channel aforesaid and thence on the south-west by 3 chains 21 links south-easterly along that reservation to the point of commencement. (Corr. No. 8059m.)

(16.)

COUNTY OF BUCKINGHAM.

PARISH OF SOUTH BRUNI ISLAND.

3a. 3r. 25p.

Bounded on the north-west by 8 chains 75 links north-easterly along 146a. 1r. 24p. of land purchased by C. Beech commencing at an east angle thereof on the road to Adventure Bay on the north-east by 4 chains 84½ links south-easterly along Crown land on the south-east by 7 chains 33 links south-westerly also along Crown land to the road to Adventure Bay aforesaid and thence on the south by 5 chains 5 links westerly in two bearings along that road to the point of commencement. (Corr. No. 8059m.)

Reinstatement of Crown Lands Purchasers.

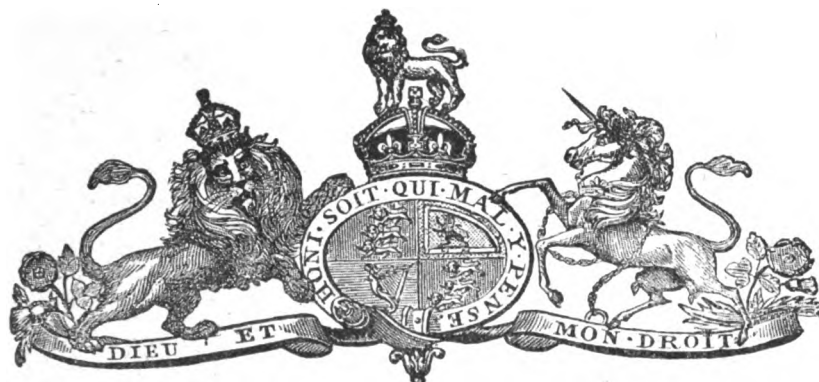
A.D. 1905.
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(17.)

Situation of Land.	Name.	Price.
Lot 4, Section D, Town of Wellington	Fanny Warren	£20
Lot 5, Section D, Town of Wellington	Louisa Stevens	£20
Lot 6, Section D, Town of Wellington	Elizabeth Hartle	£15

(Corr. No: 6364M.)

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 26.



AN ACT to provide for a Fund for the Relief A.D. 1905.
and the Maintenance of Superannuated
Public Servants and of the Widows and
Families of Deceased Public Servants, and
for other purposes. [20 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Public Service Superannuation Short title.
Fund Act, 1905.”

2 In the interpretation of this Act, and of any Regulations made Interpretation.
hereunder, unless inconsistent with the context or subject-matter—

“Board” means “The Public Service Superannuation Fund
Board :”

10d.]

Public Service Superannuation Fund.

A.D. 1905.

"Officer" means a person employed in any branch of the Public Service (unless engaged under a special contract), whose employment shall, in the opinion, expressed in the prescribed manner, of the Board and of the Minister controlling the Department in which such person is employed, be of a permanent character; "Officer" does not include any present or future member of the Police Force:

"Minister" means the Treasurer of *Tasmania*:

"Prescribed" means prescribed by Regulations under this Act:

"Regulations" means Regulations made under this Act:

"Subscriber" means a person subscribing to "the Fund," or who, having been a subscriber to "the Fund," is (a) receiving an annuity therefrom, or (b) is temporarily excluded or excused by the Board from paying subscriptions:

"The Fund" means "The Public Service Superannuation Fund."

Incorporation of Board.

3 For the purposes of this Act a Board is hereby constituted, to be called "The Public Service Superannuation Fund Board," which shall be a body corporate with perpetual succession and a common seal, and shall by the said name be capable of suing and being sued, and of purchasing, holding, and alienating land, and of doing all acts necessary or expedient for carrying out the purposes of this Act, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

Members of Board.

4 The Board shall consist of Seven members, of whom the Under-Treasurer, or such other Public Servant as the Board and the Minister shall in the prescribed manner agree upon, shall *ex officio* be one. The first members, other than the *ex officio* member, shall be *Edward David Dobbie* and *William Lewis Neale*, who shall be deemed to have been appointed by the Governor, and *Edwin Percy Andrewartha*, *Henry Edmonds Downie*, *William Hunt*, and *Walter Ormsby Wise*. The *ex officio* member shall be the executive officer of the Board, and the clerical work and book-keeping of the Fund shall be deemed portion of the ordinary work of the clerical staff of the Treasury, except so far as the Board otherwise determines. The Board shall annually elect, from among themselves, a chairman, who shall have a casting as well as a deliberative vote.

Chairman.

Retirement of members; appointment and selection of new officers.

5—(1.) On the Thirty-first day of *December*, One thousand nine hundred and six, and on the same day in every subsequent year, One member of the Board shall retire from office. The member to retire shall be the one, other than the *ex officio* member, who has been longest in office without re-appointment or re-election; and when there shall be Two or more such members, or when all the members shall have been in office for the same period without re-appointment or re-election, the one to retire shall be decided by lot among them at least

Public Service Superannuation Fund.

Six weeks before the day for retirement; or if the decision is not made by lot within the required time, then such member as the Governor may declare shall retire. A.D. 1905.

(2.) In the case of the retirement on the last day of any year of the said *Edward David Dobbie* or *William Lewis Neale*, or any of their successors in office, the Governor shall appoint a person to be a member of the Board in the place of the retiring member. Appointment of Two by Governor.

(3.) In the case of the retirement on the last day of any year of the said *Edwin Percy Andrewartha*, *Henry Edmonds Downie*, *William Hunt*, or *Walter Ormsby Wise*, or any of their successors in office, the subscribers shall in the prescribed manner elect a subscriber to be a member of the Board in the place of the retiring member. Election of Four by subscribers.

(4.) Any retiring member shall be eligible for re-appointment or re-election. Retiring member eligible.

(5.) Subscribers who are annuitants for life shall be eligible to be members of the Board. Life annuitants eligible.

6 Any of the following acts or events shall cause a casual vacancy in the office of member of the Board; namely:— Extraordinary vacancies in Board.

- i. Death, lunacy, bankruptcy, filing a petition for liquidation by arrangement or composition with creditors under "The Bankruptcy Act, 1870," or conviction for felony or misdemeanor;
- ii. Absence from the State without the leave of the Board during the holding of Three consecutive ordinary meetings, or failure to attend Three consecutive ordinary meetings of the Board without sufficient cause, followed in either case by a resolution of the Board, passed at or before the next succeeding ordinary meeting of the Board, declaring the office vacant, which resolution the Board may pass, but are not bound to pass;
- iii. As to an elected member, his ceasing to be a subscriber or his applying for an annuity on the ground of incapacity for work;
- iv. Resignation by notice in writing signed by the member and posted or delivered to the chairman of the Board, or, if there is no such chairman, then to the executive officer.

7 Any casual vacancy in the Board occurring at any time other than the last day of any year shall be filled by the Board appointing a person to take the place of the member whose office is vacant, or, when there shall not be sufficient members of the Board to form a quorum, by the Governor appointing a person to take the place of such member. Any member appointed under this Section shall retire when the member whose place he takes would have retired had no such casual vacancy occurred, and on such retirement the successor of the retiring member shall be appointed or elected, as the case may be, as if the retirement had been that of the member whose place has been so taken. Subject to the regulations for the time being in force relating to a Casual vacancy, how filled

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Powers not
affected by
vacancy.Evidence of
appointment
or election.Member of
Board not to
borrow from
Fund.Protection to
members of
Board.Officers of
Board.Formation of
Fund.Investment of
Fund.

quorum, the powers of the Board shall not be affected by any diminution in the number of its members, or by any vacancy in the office of member.

8 Upon the appointment or election of any person as a member of the Board, notice thereof by the Chairman, or if none, then by the Executive Officer of the Board, shall be published in the *Gazette*, and the *Gazette* containing such notice shall be conclusive evidence of such appointment or election.

9 No member of the Board shall during his membership, nor until a period of Six months shall have elapsed after he has ceased to be a member of the Board, borrow from the Fund.

10 No member of the Board shall be personally liable except for his own acts and deeds, or be answerable for any banker, broker, or other person with whom any part of the moneys or effects of or belonging to the Fund shall be deposited or lodged for safe custody, or be answerable for the insufficiency or deficiency of any security or securities in or upon which any moneys shall be placed out or invested, or for the defect of or in title or value of any lands, or for any other misfortune, loss, or damage which may happen by reason of anything done by him in virtue of his office in the execution of this Act, except in cases where he shall be guilty of wilful neglect or default.

11—(1.) The Board may—

- i. Appoint such officers, clerks, and servants as they think necessary for efficiently conducting the affairs of the Fund:
 - ii. Pay and allow such salaries and emoluments as they think fit:
 - iii. From time to time remove from office any officer, clerk, or servant, and re-appoint him, or appoint another in his place.
- (2.) Any person in the Public Service appointed under Sub-section (1.) of this Section shall, while in the employment of the Board, be deemed to be still in the Public Service.

12 A fund, to be called "The Public Service Superannuation Fund," shall be formed, by the subscriptions to be paid by subscribers and by the moneys which may be received for the purchase of status, and the interest arising from the investment of such subscriptions and moneys. The Fund shall be exempt from all taxation whatsoever.

13 The Fund shall be vested in and be under the control and management of the Board, who may invest the same on deposit with the Treasurer of *Tasmania*, or in any bank approved of by the Governor, or upon first mortgage of the fee simple of land in *Tasmania*, or upon Government securities of the Commonwealth of *Australia*, or of any State of the said Commonwealth, or upon securities guaranteed by the

Public Service Superannuation Fund.

Government of the said Commonwealth or of any such State, or upon the securities of the Municipal Corporations of *Hobart* or *Launceston*, or upon any other securities authorised by law for the investment of trust funds. A.D. 1905.

14 The Fund shall be devoted, as may be prescribed, to the following purposes:— Application of Fund.

- i. Payment of the expenses of management :
- ii. Providing annuities—
 - (a) For subscribers having a status of not less than the prescribed number of years with respect to the Fund on their retirement from the Civil Service on or after attaining the prescribed age ;
 - (b) For subscribers having such status as may be prescribed during incapacity for work by reason of ill-health or infirmity :
- iii. Providing annuities for widows of subscribers and for children of male subscribers :
- iv. Payment of money to any subscriber ceasing to be a subscriber :
- v. Granting such other benefits as may be prescribed.

15 Subject to and in accordance with the Regulations—

- i. Any of the following persons may be, with the consent of the Board, but shall not be compelled to be, a subscriber to the Fund—

Optional subscribers.

- (a) Any officer not within Division (b) of this Sub-section now in the Public Service who is now receiving a salary of more than Fifty Pounds per annum :
- (b) Any person now in or hereafter entering the Railway Service, or now capable or hereafter becoming capable of subscribing to the State Teachers' Superannuation Fund :

- ii. The following persons shall be subscribers to the Fund—

Compulsory subscribers.

- (a) Every officer now in the Public Service, and not within Division (b) of Sub-section i. of this Section, who is now receiving the sum of Fifty Pounds or less per annum, upon entering into receipt of the prescribed sum or more per annum :
- (b) Every person hereafter entering the Public Service, and not within Division (b) of Sub-section i. of this Section, who shall enter into receipt of the prescribed sum or more per annum.

Public Service Superannuation Fund.

A.D. 1905.

Maximum and
minimum
subscription.**16** Unless and until otherwise prescribed—

i. The maximum annual subscription shall be as follows:—

Males.		Females.	
Pay.	Maximum Subscription.	Pay.	Maximum Subscription.
Not exceeding £200	£16	Not exceeding £150	£12
Each full £50 above the first £200	£4 up to £40, in- clusive of the £16	Each full £37 10s. above the first £150	£3 up to £30, in- clusive of the £12

Provided that, in computing the maximum amount of subscription on any person who shall also be a subscriber to the State Teachers' Superannuation Fund, the amount subscribed by such person to that fund shall be included.

ii. The minimum annual subscription shall be, for males, Five Pounds Six Shillings and Eight Pence; and for females, Four Pounds.

Subscriptions
not to cease
without consent.

17 No subscriber shall, without the consent of the Board, cease, while in the Public Service, to be a subscriber to the Fund.

How subscriptions
to be paid.

18 The Treasurer shall pay to the Board month by month the subscriptions due by each subscriber on pay, and the Minister controlling the Department to which the subscriber belongs shall deduct such payments from the pay of the subscriber.

Purchase of
status.

19 Any officer may, with the consent of the Board, purchase status in the prescribed manner with respect to the Fund.

Annuities for
life.

20—(1.) Every subscriber who shall have paid subscriptions for the prescribed number of years, or shall have acquired a status with respect to the Fund equivalent to the prescribed number of years' subscription, and shall have attained the prescribed age, shall, on retiring from the Public Service, be entitled to receive the prescribed annuity for the remainder of his life.

And for a year.

(2.) Every other annuity shall be granted for not more than One year at a time, and a fresh application from the subscriber shall each time be necessary.

Annuitants for a
year to be deemed
in the Public
Service on leave
without pay for
Two years.

21 As regards a subscriber who from pay, or being upon leave of absence without pay, in the Public Service, passes to the receipt of an annuity under this Act, other than an annuity for his life, the following conditions shall apply for a period of Two years:—

i. He shall during the continuance of such annuity or any renewal thereof be held to be on leave of absence without pay, and shall not by reason of absence from active service forfeit his seniority or status in the Public Service:

Public Service Superannuation Fund.

- ii. The period of such continuance shall not count as service, but neither shall it, in the event of his re-employment in the Public Service, be held to constitute a break in the continuity of his service: A.D. 1905.
- iii. Upon regaining, in the opinion of the Board, capacity for work, the Governor may appoint him to such vacant position in the Public Service as his efficiency, capacity for work, and then seniority may, in the opinion of the Governor, entitle him to :
- iv. If he refuses re-employment in the Public Service when so offered he shall cease to be a subscriber, and shall not be entitled to any further annuity out of the Fund, and any moneys he shall have received by way of annuity shall be deducted from the sum repayable to him out of the Fund upon his so ceasing to be a subscriber.

22 No annuity payable out of the Fund shall be anticipated, assigned, transferred, charged, encumbered, or otherwise parted with by the person entitled or contingently entitled thereto, in possession, expectancy, or otherwise; nor shall any such annuity be attached or taken in execution under the process of any Court, nor, in the event of the bankruptcy of such person or the filing by him of a petition for liquidation by arrangement or composition with creditors under "The Bankruptcy Act, 1870," vest in the trustee of his estate; but every such annuity shall be an inalienable personal provision for the person entitled thereto. Protection to annuitants.

23 During the period of Fifteen years, computed from the First meeting of the Board, the due payment of all annuities payable under this Act is hereby guaranteed by the Government of *Tasmania*, and such sum as the Treasurer of *Tasmania* may at any time certify under his hand to be necessary to secure such payment is hereby appropriated accordingly out of the Consolidated Revenue Fund. Government guarantee for first Fifteen years

24 The accounts relating to the Fund shall Once at least in every year be audited by the Auditor-General. Audit of accounts.

25 In the month of *March* in every year a report on the condition, investments, and affairs of the Fund and its administration during the year ending on the Thirty-first day of *December* next preceding shall be prepared and laid before the Governor by the Board, and published in the *Gazette*. Annual report.

26—(1.) As soon as conveniently may be after the Thirty-first day of *December*, One thousand nine hundred and ten, and at the end of every subsequent period of Five years, the affairs of the Fund shall be investigated and reported upon by an actuary, to be appointed by the Board and approved by the Governor, and the report of such actuary shall be laid before the Governor by the Board. Quinquennial investigation.

Public Service Superannuation Fund.

A.D. 1905.

(2.) After every such actuarial investigation the rates of subscriptions or scales of benefits, or both, shall be reviewed, and shall be altered if in the opinion of the Board alteration shall be necessary to ensure—

- i. The actuarial soundness of the Fund :
- ii. The fullest benefits to subscribers consistent with such soundness.

Regulations.

27 The Board, with the sanction of the Governor, may, from time to time, make, alter, and revoke Regulations for all or any of the following purposes ; that is to say—

- i. Prescribing the duties of all persons employed in the administration of the Fund or otherwise for the purpose of this Act :
- ii. Regulating the security to be given by such persons or any of them :
- iii. Fixing the mode of subscribing, and fixing, increasing, or reducing the subscriptions to be paid, and the benefits to be taken by subscribers, their widows and children, whether already receiving annuities or not, or by any particular class or classes of subscribers, their widows and children, or in special cases by any subscriber or subscribers, their widows and children, on the ground of special eligibility, previous subscription to the Fund, or ill health, or on any other ground that shall appear reasonable to the Board, and fixing, increasing, or reducing the proportion of money to be repaid to subscribers ceasing to be subscribers :
- iv. Prescribing conditions as to age and medical examination :
- v. Providing for policies to be taken out by subscribers :
- vi. The continuance as a subscriber of any officer transferred from the Public Service of *Tasmania* to the Public Service of the Commonwealth of *Australia* during such period as such officer shall remain in such lastmentioned Public Service, and the continuance for any period not exceeding Three years as a subscriber of any officer leaving the Public Service of *Tasmania*, otherwise than to enter the Public Service of the said Commonwealth, in any case where the Board shall think it probable that such officer may re-enter the Public Service of *Tasmania* :
- vii. Prescribing the modes of purchasing status in respect of the Fund, and prescribing and for increasing or reducing the amounts to be paid for the purchase of status :
- viii. Prescribing the times and manner of elections of members of the Board :
- ix. Regulating the meetings of the Board, and the times and places of and the quorum and proceedings of such meetings, the custody of the common seal, and the mode of its use :
- x. Prescribing the period of office and the mode of election of the Chairman :

Public Service Superannuation Fund.

- XI. Prescribing forms necessary or expedient for carrying out A.D. 1905.
this Act:
- XII. For holding meetings of subscribers, and regulating the
proceedings thereat:
- XIII. Carrying out the objects of this Act, and to meet any par-
ticular case that may arise.

In the construction of this Section general words shall not be limited
or controlled by particular words.

28 Such Regulations shall be published in the *Gazette*, and shall Regulations to be
afterwards be judicially noticed and have the force of law; and the published, &c.
Gazette purporting to contain a copy of any such Regulations shall be
conclusive evidence thereof.

29 This Act shall not apply to the Judges of the Supreme Court. Not to apply to
Judges.

T A S M A N I A.

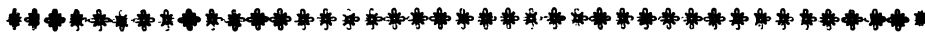


1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 27.



AN ACT to regulate the Burning of Human Remains. A.D. 1905.
[20 November, 1905.] —

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Cremation Act, 1905.”

Short title.

2 In this Act—

Interpretation.

“Chief Secretary” means the Chief Secretary for the time being of the State of *Tasmania* :

“Chief Health Officer” means the Chief Health Officer for the time being appointed under the “The Public Health Act, 1903.”

3 From and after the commencement of this Act, it shall not be lawful to burn or cremate human remains—

Cases in which
cremation
unlawful.

1. Which have not been identified : nor

11. In any case where the Attorney-General, or a Coroner, or Police Magistrate, by order in writing under his hand, forbids the burning or cremation : nor

Cremation.

A.D. 1905.

iii. Without the previous consent in writing of the Chief Secretary : nor

iv. In any place not approved of for the purpose by the Chief Health Officer, by writing under his hand.

Penalty.

Every person who shall contravene, or assist in contravening, or attempt to contravene, any of the provisions of this Section, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to a penalty not exceeding Five hundred Pounds, or to be imprisoned for any term not exceeding Five years.

Governor
may make
Regulations.

4—(1.) The Governor may from time to time make Regulations prescribing conditions, without the observance whereof no burning or cremation of human remains shall take place ; and such Regulations on publication in the *Hobart Gazette* shall have the full force of law.

(2.) Every person who shall contravene any such Regulation as aforesaid shall be liable on summary conviction to a penalty not exceeding Fifty Pounds.

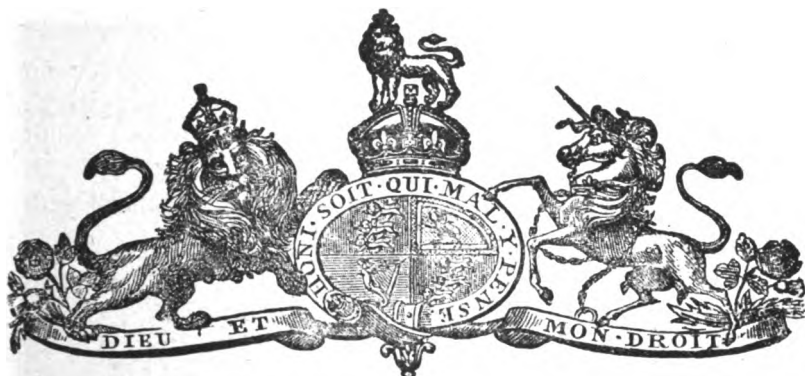
(3.) Every information for any breach of any such Regulation and all penalties imposed shall be heard, determined, and recovered in a summary way by and before a Police Magistrate or any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

(4.) Any person who thinks himself aggrieved by any penalty imposed or conviction under the authority of this Section may appeal against the same in the manner prescribed by *The Appeals Regulation Act*.

Saving for
Coroners.
37 Vict. No. 13.

5 Nothing in this Act shall interfere with the jurisdiction of any Coroner under "The Coroners Act, 1873," or any Act amending the same ; and nothing in this Act shall authorise any person to create or permit a nuisance.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 28.

AN ACT to provide for the Licensing of A.D. 1905.
Second-hand Dealers, and to regulate the
Sale of Second-hand Articles.

[20 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Second-hand Dealers Act, 1905,” Short title and
and shall come into operation on the First day of *January*, One commencement.
thousand nine hundred and six.

2—(1.) In this Act—

The expression “Licensee” means a person licensed under this Interpretation.
Act.

The expression “Licensing Authority” means—

- i. A Police Magistrate : or
- ii. Any Two or more Justices of the Peace sitting in Petty Sessions.

6d.]

Second-hand Dealers.

A.D. 1905.

The expression "Second-hand Dealer" includes every one who carries on the business of purchasing, selling, or exchanging second-hand articles, with the exceptions following; namely—

New. 6 Wm. IV.
No. 6 (Tas.).

2 Ed. VII. No. 23,
Sect. 14 (N.Z.).

Ibid.

New.

i. Auctioneers licensed under *The Auction Act* :

ii. Any person purchasing such articles for the purpose of manufacturing other articles therefrom : and

iii. Any class of persons or trade which the Governor, pursuant to Sub-section (2.) of this Section, exempts from the operation of this Act.

(2.) The Governor may from time to time, by Proclamation published in the *Gazette* exempt from the provisions of this Act relating to Licences any class of persons or trade to which the Governor is satisfied such provisions should not apply.

Unlicensed person
not to trade as
second-hand
dealer, or hold
himself out as
licensed.

3 No person who is not the holder of a licence in force under this Act shall—

i. Carry on business as a second-hand dealer : or

ii. In any way or by any method or device hold himself out to be a licensed second-hand dealer.

Licensing
authority may
grant licence.

4—(1.) The licensing authority, if satisfied with the character of the applicant, may grant a licence in the form in the Second Schedule hereto.

(2.) Every person ceases to be licensed upon the expiration or cancellation of his licence.

Duration of
licence.

(3.) Such licence, unless sooner cancelled, shall be in force from the day following the date thereof until the Thirty-first day of *December* then next following.

Licence fee.

(4.) There shall be payable in respect of every such licence the fee of Ten Shillings, and every such fee shall be paid into the Treasury of *Tasmania*, and form part of the Consolidated Revenue Fund.

Alphabetical
record to be kept.
2 Ed. VII. No. 23,
Sect. 5 (N.Z.),
adapted.

5 The Clerk of the licensing authority by which any licences under this Act are granted shall keep an alphabetical record of all licences granted and of all cancellations.

Name of licensee
to be displayed.
Ibid., Sect. 6
(N.Z.), adapted.

6 Every licensee who carries on business at a shop or other premises shall cause to be painted and kept painted his name in full, and the words "Licensed Second-hand Dealer," in legible characters at least Two inches long, so as constantly to be seen and read, on some conspicuous part of every shop or other premises where he carries on business as a second-hand dealer.

Register of
articles bought,
sold, or exchanged
to be kept.
Ibid., Sect. 8
(N.Z.), adapted.

7—(1.) Every licensee shall keep a book, and shall from time to time enter therein an account and a proper and distinctive description of each second-hand article bought, received, sold, disposed of, or exchanged, the date of the transaction, and, in case of any second-

Second-hand Dealers.

hand article bought by him, or received by him in exchange, the name, residence, and calling of the person from whom he bought or received it. A D. 1905.

(2.) Every such entry shall be made on the date when the transaction takes place.

8—(1.) Every licensee shall at all reasonable times, on demand, produce his licence and the above-mentioned book for the purpose of inspection to any police constable having the general or special authority in writing of a Justice of the Peace to make the demand, and shall permit such constable to inspect all goods in his possession or under his control, and also to enter and inspect every shop or premises where he carries on the business of a second-hand dealer. Licence, &c., to be produced on demand.

(2.) Any police constable obtaining the production of any such book shall on each occasion subscribe his name immediately after the last entry therein.

(3.) Whenever any articles which have been stolen, embezzled, or fraudulently obtained are found in the possession of any licensee he shall, on being informed by a police constable, authorised as aforesaid, that such articles were stolen, embezzled, or fraudulently obtained, deposit the same with the police constable. 3 Ed. VII. Ch. 44, Sect. 5.

(4.) If any licensee fails to comply with any requirement of this Section he shall be liable for each offence, on summary conviction, to a fine not exceeding Five Pounds, without prejudice to his also being proceeded against according to law as a receiver of stolen goods.

9—(1.) If any articles with respect to which information in writing is given by any police constable to a licensee that they have been stolen, embezzled, or fraudulently obtained, are then in, or subsequently come into, the possession of the licensee, he shall, as soon as may be, give information to a police constable that articles answering to the description of the said articles are in his possession, and shall also state the name and address given by the person from whom the articles were received. Licensee to report stolen goods.
3 Ed. VII. Ch. 44, Sect. 6.

(2.) If any licensee contravenes the provisions of this Section, he shall be liable for each offence, on summary conviction, to a fine not exceeding Five Pounds: Provided that, in the case of articles which it may be difficult to trace out and identify, no fine shall be imposed under this Section, unless it appears to the Court that the articles were knowingly concealed by the licensee.

10 It shall not be lawful for any licensee, by himself or by any other person, to purchase or receive any second-hand goods before the hour of Eight in the morning or after the hour of Nine in the evening, nor at any time from any person apparently under the age of Sixteen years. Restrictions as to purchase of goods.
2 Ed. VII. No. 23, Sect. 10 (N.Z.), adapted.

11 If any person contravenes or fails to comply with any of the requirements or provisions of this Act he is guilty of an offence against this Act, and, where no other penalty is provided, is liable to a penalty Penalties.

Second-hand Dealers.

A.D. 1905.

not exceeding Five Pounds, and in the case of a continuing offence to a further penalty not exceeding Five Pounds for every day after the first during which such offence continues.

Cancellation of licences.

Ibid., Sect. 12 (N.Z.), adapted.

12 In all proceedings against a licensee for any such offence the Court when convicting him may, in addition to imposing the penalty, cancel the licence, whereupon all the rights and privileges of the licensee under the said licence shall absolutely cease and determine.

Presumption that person is unlicensed.

2 Ed. VII. No. 9, Sect. 19 (W.A.).

13 In any prosecution under this Act any allegation in any information that any person is unlicensed need not be proved, and such person shall be deemed to be unlicensed, unless the contrary be proved by the production of a licence or otherwise.

Disposal of recovered goods. *Ibid.*, Sect. 15 (N.Z.).

14 Where the ownership of any goods brought before the Court, and which have been unlawfully sold or exchanged, is established to the satisfaction of the Court, it may order that such goods shall be delivered up to the owner either without compensation or with such compensation to the person to whom they were so unlawfully sold or exchanged as the Court deems fit.

Offences to be dealt with summarily. 19 Vict. No. 8.

15—(1.) All complaints and informations for offences against this Act, and all fines, penalties, and sums of money imposed or made payable by this Act, shall be heard, determined, and recovered in a summary way by and before a Police Magistrate or any Two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

Appeal. 19 Vict. No. 10.

(2.) Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act may appeal against the same in the manner prescribed by *The Appeals Regulation Act*.

SCHEDULE.

(1.)**APPLICATION FOR LICENCE.**

UNDER "THE SECOND-HAND DEALERS ACT, 1905."

To the [*Here insert name of licensing authority*].

I, *A.B.* [*State occupation*], now residing at _____, hereby apply for a licence to carry on the business of a second-hand dealer. [If the applicant intends to carry on such business at a shop or other place of business, here state as follows:— "My shop or place of business is situate at [*Describe distinctly its situation*], and I intend to keep it as a second-hand dealer's shop."]

Dated at _____, this _____ day of _____, 19 _____.

(Signature.)

Second-hand Dealers.

A.D. 1905.

(2.)

LICENCE.

UNDER "THE SECOND-HAND DEALERS ACT, 1905."

I, the undersigned, the Police Magistrate for [or We, two
 Justices of the Peace sitting in Petty Sessions at in the District
 of], being satisfied that *A.B.* is a person of good character,
 and having received the licence fee of Ten Shillings, do hereby authorise him
 to carry on the business of a second-hand dealer, [If the applicant has stated his
 intention to carry on such business at a specified shop or other place of business, here
 state as follows:—"his shop or place of business being situate at (*Here describe its
 situation*)."] This licence is granted subject to the provisions of "The Second-hand
 Dealers Act, 1905," and, unless sooner cancelled, continues in force until the 31st
 day of December, 19 .

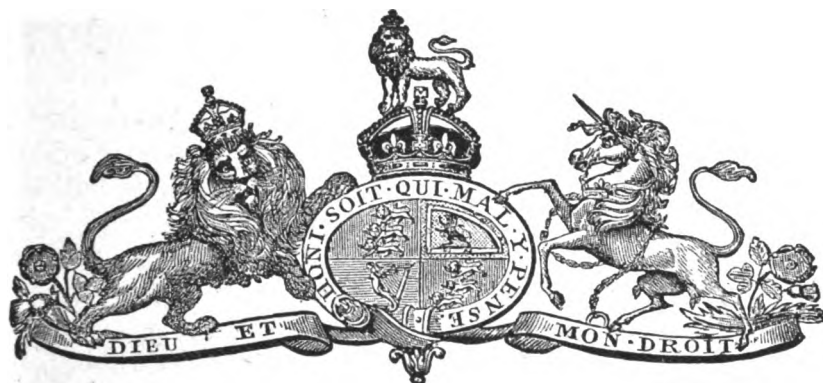
Granted at , this day of , 19 .

C.D., Police Magistrate [or Two Justices].

E.F., Clerk.

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T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 29.

AN ACT to make better provision for Levying A.D. 1905.
Rates for the purposes of "The Public Health
Act, 1903." —
[20 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

- 1** This Act may be cited as "The Health Rate Act, 1905." Short title.
- 2** This Act shall come into operation on the First day of *January*, Commencement.
One thousand nine hundred and six.
- 3** "The Sanitary Rate Act, 1889," and "The Sanitary Rate Repeal.
Amendment Act, 1901," are hereby repealed. 53 Vict. No. 10.
1 Ed.VII. No.37.
- 4** In this Act—
"Chief Health Officer" shall mean the Chief Health Officer Interpretation.
for the time being appointed under the provisions of "The 3 Ed.VII. No.37.
Public Health Act, 1903 :"
4d.]

Health Rate.

A.D. 1905.

"House" shall mean and include a dwelling of any kind, school, hotel, public-house, factory, shop, workroom, common or other lodging-house, or other building or premises :

"Local Authority" shall have the same meaning as in "The Public Health Act, 1903 :"

53 Vict. No. 10,
s. 4.

"Sanitary service" shall mean the removal and disposal of night-soil, or any garbage, offal, filth, ashes, rubbish, house refuse, or other putrescible or offensive matter of any kind, or the provision of a sewer within a distance of One hundred feet from the boundary of any property for the escape or conveyance of night-soil from such property to some place where such night-soil shall be properly disposed of :

"Specified" shall mean specified by notice published by a Local Authority in the *Hobart Gazette*.

Local Authority
may levy Rate.
3 Ed.VII. No 37.
53 Vict. No. 10,
s. 5.

5—(1.) For the purpose of raising money for carrying out in the District of any Local Authority, or in any specified part of such District, the provisions of "The Public Health Act, 1903," every such Local Authority may, of its own motion, in every year make and levy a Rate at such amount in the Pound as may be approved by the Chief Health Officer, not exceeding the sum of Sixpence in the Pound in any one year, upon the annual value of all property situate in the District, or specified part of the District, of the Local Authority as shown by the Assessment Roll or Rolls in force for the time being for the Assessment District or Districts in which the District, or specified part of the District, of such Local Authority is included.

(2.) Only One-half of any Rate levied under the authority of this Act shall be payable in respect of any property for which no sanitary service is performed by the Local Authority levying such Rate; but this proviso shall not extend to any property whereon any house is situate, or which shall adjoin and be occupied and used in connection with any property on which a house is situate, unless there be used in connection with such house such means of removal and disposal of night-soil and other putrescible or offensive matter as shall be certified in writing by any Officer of Health appointed by such Local Authority to afford a safe and sufficient substitute for the sanitary service performed by such Local Authority for similar properties within its jurisdiction.

Notice of erection
of sanitary
appliances to be
given to Local
Authority.
53 Vict. No. 10,
s. 6.

(3.) Notwithstanding anything contained in Sub-section (2.) of this Section, no occupier of any property in respect of which any Rate levied under the authority of this Act shall at any time be payable shall be entitled to claim the benefit of such Sub-section, unless such occupier, or some previous occupier of the same property, has given to such Local Authority written notice of the erection of such sanitary appliances as are hereinbefore mentioned not later than Three months before the date on which such Rate is payable.

Health Rate.

6 Any Local Authority may, with the consent of the Chief Health Officer, in addition to the Rate specified in this Act, make and levy a charge for every removal of night-soil, garbage, offal, filth, ashes, rubbish, house refuse, or other putrescible or offensive matter, such charge not to exceed the sum of One Shilling for each removal of any pan, pail, bucket, or other receptacle, of not more than Four cubic feet in capacity, containing such night-soil, garbage, offal, filth, ashes, rubbish, house refuse, or other putrescible or offensive matter.

A.D. 1905.

Local Authorities may charge for sanitary service per pan, &c., removed.
1 Ed. VII. No. 37, s. 3.

7 At least One month prior to the making of any such Rate or charge, the Local Authority shall give notice in writing to the Chief Health Officer of their intention so to do, specifying in the notice the District or part of the District for which such Rate or charge is intended to be levied, and the amount in the Pound at which it is intended to make such Rate, or the amount of such charge, and the total sum of money that such Rate or charge is estimated to produce.

Local Authority to notify Chief Health Officer of intention to levy Rate.

8 Upon the making of a Rate or charge by any Local Authority in accordance with the provisions of this Act a notice, signed by the Chairman and not less than Two other Members of the Local Authority, specifying the amount in the Pound of the Rate, or the amount payable for the removal of each pan, pail, bucket, or receptacle, as aforesaid, the area within which such Rate or charge shall be due and payable, and the purpose and period for which the same is payable, shall be published in the *Hobart Gazette*; and upon any such notice being so published the Rate or charge therein mentioned shall be payable and paid at the times specified in such notice by the occupiers of the properties in respect of which the Rate is levied or such sanitary service is rendered, as shown by the Assessment Roll then in force in the area in respect of which the Rate is levied or charge is made; and it shall not be necessary in any such notice to set forth the names of the persons liable to pay such Rate or charge, or the sums which according to such Rate or charge such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

Notice of Rate to be given.
53 Vict. No. 10, s. 7.
1 Ed. VII. No. 37, s. 4.

Provided nevertheless that the Rate or charge levied in respect of any property, not being Crown land held under lease or licence, the assessed annual value of which does not exceed Twenty Pounds, or which is let to weekly or monthly tenants, or in respect of buildings let in separate apartments or portions, shall be payable and shall be paid by the person whose name appears on such Assessment Roll as the owner, instead of by the occupier thereof.

Charge in respect of small properties, &c., to be paid by owner.

9 In any case in which any property situate within the District of the Local Authority exceeds Five acres in area and has not any house thereon, any Rate levied under the authority of this Act shall be payable in respect of only such part of the value at which such property is assessed as bears such proportion to the whole of such value as Five acres bears to the whole area of such property; and in every case in which a house is situate on any property exceed-

Rate payable in respect of a proportionate part of the assessed value of certain properties.
53 Vict. No. 10, s. 8.

Health Rate.

A.D. 1905.

ing Five acres in area and situate within the District of the Local Authority, any Rate levied under the authority of this Act shall be payable in respect of only such proportionate part of the value at which such property is assessed as represents the value of such house together with Five acres of the land surrounding or occupied therewith; and if any dispute shall arise between the occupier of any property affected by this Section and the Local Authority levying any such Rate as aforesaid as to the proportionate part of the assessed value of such property in respect of which such Rate shall be payable, such dispute shall be settled by a Police Magistrate or any Two Justices of the Peace sitting in Petty Sessions within the District in which the property is situate, on the application of the occupier or the Local Authority levying the Rate.

Rate to be payable
in advance.
53 Vict. No. 10,
s. 9.

10 Any such Rate as aforesaid shall be payable in advance in the same manner as any Municipal Rate, and at such periods as every such Local Authority may from time to time appoint.

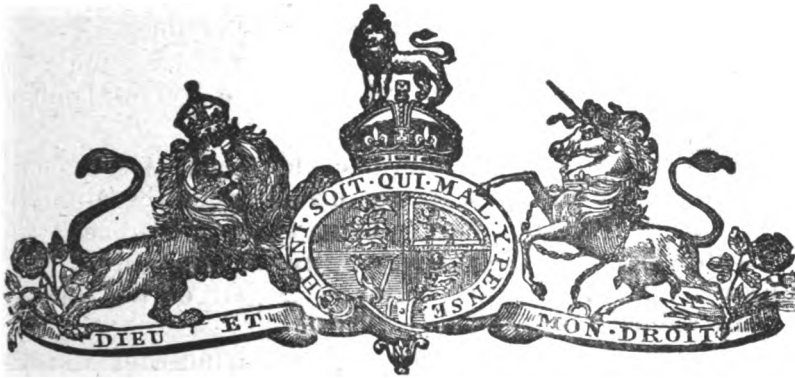
Rate, how
recoverable.
53 Vict. No. 10,
s. 10.

11—(1.) If any person liable as herein provided to pay any amount of Rates neglects to pay the same within due time after the same has been lawfully demanded, the Local Authority may recover the amount due from such person in the same manner as any Municipal Rate is or may hereafter be recoverable by any Municipal Council.

Charge recover-
able summarily.
19 Vict. No. 8.
1 Ed. VII. No.
37, s. 5.

(2.) The payment of any charge made payable under the provisions of this Act may be recovered in a summary manner before a Police Magistrate or Two or more Justices of the Peace, in the manner prescribed by *The Magistrates Summary Procedure Act*, on the complaint of any person authorised in writing under the hand of the Chairman of such Local Authority to sue for the same.

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 30.

AN ACT to consolidate and amend the Laws relating to Police Government, and for other purposes. [20 November, 1905.]

A.D. 1905.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

1 This Act may be cited as "The Police Act, 1905."

Short title.

2 The Acts set forth in the Schedule (1.) hereto, to the extent therein mentioned, are hereby repealed.

Repeal of Acts.

3 This Act shall come into operation on the First day of *January*, One thousand nine hundred and six.

Commencement of Act.

5s. 10d.]

Police.

A.D. 1905.

Interpretation.
29 Vict. No 10,
s. 4.

"Animal."

"Assessment
Roll."

64 Vict. No. 4.

"Carcase."

"Constable."

"District."
29 Vict. No. 8.

"Gazette."

"Justice."

"Mayor."

"Municipality."

60 Vict. No. 31.

"Municipal
Council."*Ibid.*, s. 129.

"Owner."

"Property."

"Public place."

4 In this Act, unless the context otherwise determines—

"Animal" means and includes any horse, ass, mule, bull, bullock, cow, steer, heifer, calf, ram, ewe, wether, lamb, goat, boar, sow, or pig :

"Assessment Roll" means and includes every Assessment Roll in force for the time being made under the authority of "The Assessment Act, 1900," in which any property situate within any District or Municipality is comprised :

"Carcase" extends to and includes a part of the carcase of any animal :

"Constable" means and includes any Member of the Police Force :

"District" means a Municipal District not being a Municipality under *The Rural Municipalities Act*, 1865 :"Gazette" means the *Hobart Gazette* :

"Justice" means a Justice of the Peace :

"Mayor" means and includes the Mayor of a City, the Warden of a Rural Municipality, and the Chairman of a Town Board :

"Municipality" means and includes a City, a Rural Municipality, and a Town proclaimed under "The Town Boards Act, 1896," or any Amendment thereof :

"Municipal Council" means and includes the Municipal Council of a City or Municipality, and the Board of a Town :

"Owner," used with reference to any property, means the person for the time being in the actual receipt of or entitled to receive, or who, if such property were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, executor, mortgagee in possession, or otherwise, but shall not mean or include any mesne tenant :

"Property" means land or buildings and land and buildings :

"Public place," in Parts II., III., and X. of this Act, includes—
Any park, garden, reserve, or other place of public recreation or resort :

Any railway station platform or carriage :

Any public wharf pier or jetty :

Any passenger ship or boat plying for hire :

Any licensed public vehicle plying for hire :

Any church, chapel, or other building where Divine service is being publicly held :

Any public hall, theatre, or room in which any public concert, theatrical representation, or other public entertainment is being held or performed, or is taking place :

Any market :

Any auction room, or mart, or place, while a sale by auction is there proceeding :

Any booth or other structure in respect of which a Booth Licence is issued under the provisions of "The Licensing Act, 1902" :

Police.

Any licensed billiard-room :

A.D. 1905.

Any racecourse, cricket ground, football, show, or regatta ground, or other such place to which the public have access free or on payment of any gate-money :

Any shop open for the purpose of trade :

Any open yard, place, or allotment in any Town to which the public have access :

Any public and common highway, road, street, footway, court, alley, or thoroughfare, notwithstanding that such public and common highway, road, street, footway, court, alley, or thoroughfare may be formed on private property :

Any bar-room of any licensed hotel or public-house, and any approach to any such bar-room, and any part of such licensed house and premises to which the public have access :

Any school building :

Any public cemetery :

Any banking house, warehouse, office, or similar place, while open for the transaction of ordinary business :

"Street" extends to and includes any public and common highway, road, square, court, passage, alley, thoroughfare, or public way, and the footways within any Town, any place of public resort, and any avenue leading thereto :

"Street."
42 Vict. No. 25,
s. 2.

"Suburbs" means and includes the distance of One mile outside and around the boundaries of any Town, but such distance shall not in respect of any Town in any Municipality extend beyond the boundaries of the Municipality :

"Suburbs."

"Town" means and includes a City, a Town proclaimed under the provisions of "The Town Boards Act, 1896," or any amendment thereof, a Town proclaimed by the Governor under the provisions of any Act hereby repealed, and a Town proclaimed by the Governor under the provisions of this Act :

"Town."
60 Vict. No. 31,
s. 6.

"Town Clerk" includes the Council Clerk of a Rural Municipality and the Secretary of a Town Board :

"Town Clerk."

"Town Surveyor" means any officer appointed to perform the duties of Surveyor :

"Vehicle" means every carriage, omnibus, gig, dog-cart, waggon, cart, dray, bicycle, tricycle, motor-cycle, motor-car, or other vehicle.

"Vehicle."

5 The penalty, pecuniary or other, set out—

i. At the foot of any Section of this Act : or

ii. At the foot of any Sub-section of any Section of this Act, but not at the foot of the Section—

indicates that any contravention of the Section or of the Sub-section respectively, whether by act or omission is an offence against the Act,

Penalties at foot
of Sections or
Sub-sections.
Commonwealth :
No. 1 of 1904, s. 3,

Police.

A.D. 19 5.

punishable upon conviction by a penalty not exceeding the penalty mentioned.

Provided, that where the penalty is expressed to apply to a part only of the Section or Sub-section, it shall apply to that part only.

Reference to
former Acts.

6 Where in any existing Act any Act hereby repealed may be referred to, such reference shall, for the purposes of any such existing Act, be deemed to be to this Act.

Existing officers
and offices con-
tinued.

7 Any officer appointed and any office established under the provisions of any Act hereby repealed shall continue and be deemed to have been appointed or established, as the case may be, under this Act.

Existing By-laws
continued.

8 All By-laws at any time heretofore passed by any Municipal Council in accordance with the provisions of any Act hereby repealed, and which are of any force and effect on the day preceding the date on which this Act comes into operation, shall be deemed to have been made and passed under and by virtue of this Act; and all such By-laws, so far as they are not inconsistent with this Act, shall continue, until superseded by a By-law made under the authority of this Act, to be of the same force and effect as if they had been made and passed under the authority of this Act.

Proclamation of
Towns in
Districts.
29 Vict. No. 10,
s. 6.

9—(1.) The Governor may, by Proclamation published in the *Gazette*, constitute and appoint such portions of any District as to him seems meet as and to be Towns, and shall by any such Proclamation define and proclaim the extent, limits, and boundaries of any Town so proclaimed, and may at any time re-define and alter the extent, limits, and boundaries of any Town.

Proclamation of
Towns in Muni-
cipalities.
Ibid., s. 7.

(2.) The Municipal Council of any Municipality may, from time to time, set out with sufficient marks the limits of any intended Town within such Municipality; and the Governor may, by Proclamation, declare such intended Town to be a Town for the purposes of this Act; and the limits of any such Town may from time to time in like manner be enlarged.

Assignment of
name of Town.
52 Vict. No. 41,
s. 8.

(3.) The Governor shall, by the Proclamation constituting and appointing any Town, assign a name to such Town, and may in like manner assign to any Town a new name in the place of the name theretofore assigned to such Town.

60 Vict. No. 31.
1 Ed. VII. No.
16, s. 3.

(4.) If any Town is situated in a Rural Municipality, or is a Town proclaimed under "The Town Boards Act, 1896," the Governor shall not assign a new name to such Town unless the Council of such Municipality or Board of such Town shall first have approved of the new name for the Town.

Municipal
Council may erect
boundary marks.
29 Vict. No. 10,
s. 8.

10—(1.) The Municipal Council, its servants and agents, may, for the purpose of setting out the limits of any intended Town as aforesaid, enter upon private property, and may erect sufficient marks thereon for the purposes aforesaid, and may from time to time repair or renew such marks.

Police.

(2.) No person shall wilfully remove, injure, or deface any such mark. A.D. 1905.

Penalty : Five Pounds.

11 The Governor may, by Proclamation published in the *Gazette*, revoke the original Proclamation of any Town, and thereupon such Town shall cease to be a Town for the purposes of this Act. Revocation of Proclamation of Town.

12 This Act is divided into Thirteen Parts, as follows :—

Division of Act.

- Part I.—Preliminary. Sects. 1 to 12.
- Part II.—Restraint of Drunkenness. Sects. 13 to 15.
- Part III.—Vagrancy and similar Offences. Sects. 16 to 20.
- Part IV.—Disorderly Houses. Sects. 21 to 23.
- Part V.—Registration of Dogs. Sects. 24 to 42.
- Part VI.—Regulation of Vehicles. Sects. 43 to 90.
- Part VII.—Common Lodging-houses. Sects. 91 to 104.
- Part VIII.—Places of Public Entertainment. Sects. 105 to 120.
- Part IX.—Slaughter of Animals. Sects. 121 to 133.
- Part X.—Nuisances and Obstructions. Sects. 134 to 151.
- Part XI.—Improvement of Towns. Sects. 152 to 193.
- Part XII.—By-laws. Sect. 194.
- Part XIII.—Miscellaneous. Sects. 195 to 221.

PART II.

RESTRAINT OF DRUNKENNESS.

13 Any person found—

Penalty for drunkenness.

i. Drunk and disorderly : or

ii. Drunk and incapable of taking care of himself—

in any public place shall be deemed guilty of an offence against this Act. N.S.W., No. 5 of 1901, s.s. 6 & 7.

Penalty : One Pound.

14 Any constable may apprehend, with or without warrant, any person committing either of the offences specified in the last preceding Section, and convey him before any Justice to be dealt with according to law ; and, if it is necessary so to do, may confine such person in some watch-house, in order that he may be held secure until he can be conveniently brought before a Justice so to be dealt with. Drunken persons may be apprehended.
29 Vict. No. 10, s. 10.

15 Any constable who finds any person drunk and incapable of taking care of any animal, or of any vehicle of any description drawn by any animal in his charge, upon any highway, road, or street, may seize and detain in some place of security any animal or vehicle in charge of such person, the owner whereof shall be liable for all costs, charges, and expenses incurred thereby, or in providing food for any animal so seized and detained, and the same may be recovered in a summary Constable may detain animals in charge of drunken persons.
Ibid., s. 13.

Police.

A.D. 1905.

19 Vict. No. 8.

way before any Justice in the mode prescribed by *The Magistrates Summary Procedure Act*: and such owner, if master of the person found committing any such offence, may in like manner recover from such person all sums of money paid by such owner as aforesaid.

PART III.**VAGRANCY AND SIMILAR OFFENCES.**

Penalty for
certain idle and
disorderly
persons.

42 Vict. No. 25,
s. 3.

N.Z., 48 Vict. No.
24, s. 26.

N.S.W. No. 5 of
1901, s. 27.

16—(1.) Every person—

- i. Wandering abroad and lodging in any barn, outhouse, or shed, or in any deserted or unoccupied building, or in the open air, not having any visible means of subsistence, and not giving a good account of himself: or
- ii. Wandering abroad having no fixed place of residence and no lawful means of gaining his livelihood: or
- iii. Who, having no visible lawful means or insufficient lawful means of support, on being thereto required by the Court, or who having been duly summoned for such purpose, or brought before the Court in pursuance of the provisions of this Act, does not give a good account of his means of support to the satisfaction of the Court: or
- iv. Found lodging in the open air, or in any hut or other temporary dwelling upon Crown land, and not giving a good account of himself: or
- v. Offering for sale any obscene print, picture, or other indecent exhibition: or
- vi. Wilfully and obscenely exposing his person: or
- vii. Found in or upon any dwelling-house or other building whatsoever, or in any enclosed yard, garden, or area, for any unlawful purpose: or
- viii. Being a suspected person or reputed thief frequenting any street, road, or public place, or any quay, wharf, river, or navigable stream, or any place of public resort or any avenue leading thereto, with intent to commit a felony: or
- ix. Found in possession of any article reasonably supposed to have been stolen or unlawfully obtained, without being able to give a satisfactory account of his possession thereof—

shall be deemed guilty of an offence against this Act, and every such offender may be apprehended with or without warrant by any constable.

Penalty: Six months imprisonment.

(2.) Every person having in his custody or possession any key, pick-lock, crow, jack, bit, or other implement or instrument, with intent feloniously to break into any dwelling-house or other building whatsoever, or having upon him any instrument with intent to commit a felony, shall be deemed guilty of an offence against this Act.

Police.

And every such key, pick-lock, crow, jack, bit, or other implement or instrument found in the custody or possession of any such person with intent feloniously to break into any dwelling-house or other building as aforesaid may be seized by the apprehending constable, and shall, by the conviction of the offender, become forfeited to His Majesty. A.D. 1905.

Every such offender may be apprehended, with or without a warrant, by any constable, or by any person who sees any such offence committed.

Penalty : Six months imprisonment.

17—(1.) Every person—

Penalty for
certain vagrancy
offences.

- i. Found begging, or exposing wounds or deformities, or exposing children of tender age to the inclemency of the weather, or placing himself or otherwise acting so as to induce or for the purpose of inducing the giving of alms: or
- ii. Being a common prostitute found wandering in any street or road, or in any place of public resort, and behaving in a riotous or indecent manner: or
- iii. Being a male person found in any street or public place at any time between sunset and sunrise, dressed in female apparel—

42 Vict. No. 25,
s. 3.

shall be deemed guilty of an offence against this Act.

Penalty : Ten Pounds or Three months imprisonment.

(2.) Every such offender may be apprehended, with or without a warrant, by any constable who sees any such offence committed.

18—(1.) Every male person who—

Persons trading
in prostitution.
Eng. 61 & 62
Vict., c. 39.
W.A., 2 Ed. VII.
No. 31.

- i. Knowingly lives wholly or in part on the earnings of prostitution: or
- ii. In any public place solicits or importunes for immoral purposes—

shall be deemed guilty of an offence against this Act.

Penalty : Six months imprisonment.

(2.) If it is made to appear to a Justice by information on oath that there is reason to suspect that any house or part of a house is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, such Justice may issue a warrant authorising any constable to enter and search the house and to arrest that male person.

(3.) Where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he can satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

19—(1.) Every person playing or betting by way of wagering or gaming in any street, road, highway, or other open and public place, or in any open place to which the public have or are permitted to have

Persons wagering
or gaming with
any table or
instrument of

Police.

A.D. 1905.

gaming to be
deemed idle and
disorderly
persons.42 Vict. No. 25,
s. 4.

access, at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument or means of such wagering or gaming at any game or pretended game of chance, shall be deemed guilty of an offence against this Act.

Penalty: For a First offence, Two Pounds; for a Second or subsequent offence, Five Pounds, or to imprisonment for a term not exceeding Six months.

(2.) Any constable who sees such offence committed may apprehend the person committing such offence, with or without a warrant.

(3.) Every table or other instrument of gaming, and every coin, card, token, or other article used as an instrument or means of such wagering or gaming at any game or pretended game of chance as aforesaid, and all money exposed to view for the purpose of being gambled for, may be seized by any constable, and upon conviction of the offender shall become forfeited to His Majesty.

Punishment of
chain-droppers,
and other swind-
lers.29 Vict. No. 10,
s. 15.

20—(1.) All chain-droppers, thimblers, loaded-dice players, and other swindlers of that or any similar description, who—

- i. Are found in possession of implements or articles for practising games of hazard: or
- ii. Shall exhibit such implements or articles in any public place in order to induce or entice, or who shall induce or entice, any person to play at any game of hazard: or
- iii. Shall by any fraudulent art or device cozen and cheat, or attempt to cozen and cheat, any person—

shall be deemed guilty of an offence against this Act.

Penalty: Six months imprisonment.

(2.) Any such person may also at the same time be sentenced to repay any money or restore any property which he may have obtained by means of any such offence; and failing such payment or restitution, may be imprisoned for any further period not exceeding Twelve months.

PART IV.**DISORDERLY HOUSES.**Penalty for
harbouring dis-
orderly persons.
29 Vict. No. 10,
s. 81.

21—(1.) No person occupying or keeping any house, shop, room, place of public resort, or other premises in any Town shall—

- i. Permit any breach of the peace or riotous or disorderly conduct within any shop, cellar, room, place of public resort, house, office, or other premises occupied or rented by him: or
- ii. Knowingly harbour prostitutes: or
- iii. Permit or suffer men or women of notoriously bad fame or dissolute boys and girls to meet or assemble therein: or
- iv. Knowingly lodge, entertain, or harbour, to the annoyance of the inhabitants, any prostitute or idle rogue or vagabond.

Penalty: Ten Pounds.

Police.

(2.) The Police Magistrate or Justices before whom any such offender is convicted may further order him to find security, in a sum to be fixed by such Magistrate or Justices, for his good behaviour for Twelve months, under a penalty not exceeding Twenty Pounds, and in the event of such security not being found, may sentence the person offending to imprisonment for any term not exceeding Two months. A.D. 1905.

(3.) If any person is found guilty of any such offence a second time, it shall be lawful for a Police Magistrate or any Two Justices, on the application of Three householders, summarily to order such person to be removed from the premises possessed, occupied, or kept by him, and to impose such further penalty on such offender, not exceeding Twenty Pounds, as to the Magistrate or Justices may seem fit.

22 Any person who—

- I. Lets any house to a tenant, knowing that the same is intended to be kept and used by such tenant as a disorderly house or house of ill-fame and repute : or
- II. Knowing, after any house has been let, that the same is being kept and used by a tenant as a disorderly house or house of ill-fame and repute, does not, on receiving notice from the Mayor of the Municipality or Superintendent of Police of the District, forthwith determine such tenancy—

Penalty for letting house for immoral purposes.

shall be deemed guilty of an offence against this Act.

Penalty : Ten Pounds.

23—(1.) Any Superintendent or Sub-Inspector of Police or any Constable authorised either generally or specially by the Commissioner or a Superintendent of Police, shall have power at any time to enter any building or part of a building, or other place, of the following description ; viz.— Police Officers may enter certain places. *Ibid.*, s. 82.

- I. Any place used for the purpose of any public entertainment, or for any public show or exhibition :
- II. Any singing or dancing saloon, oyster-store, fish-shop, eating-house, coffee-house, or other such place :
- III. Any house or building in which any alcoholic liquor is sold, whether such house or building is licensed or not :
- IV. Any common brothel or house for the reception of prostitutes, or any house usually frequented by thieves or loose and disorderly persons :
- V. Any building or part of a building which is kept or used for a purpose in respect of which a licence is required by the provisions of this Act :
- VI. Any ship or other vessel not being employed in His Majesty's service.

(2.) The keeper of any such building or other place, or any servant or other person having the charge thereof, or the master or other person having charge of such vessel, shall admit such Superintendent or Sub-Inspector or Constable when required.

Penalty : Five Pounds.

Police.

A.D. 1905.

PART V.**REGISTRATION OF DOGS.**

All dogs to be
annually regis-
tered.

29 Vict. No. 10,
s. 23.

Proviso as to dogs
under Four
months old.

Labels to be
supplied for dog-
collars.
N.Z., No. 16, of
1880.

Register-book to
be kept.
Schedule (2.).

Mode of
registration.

Schedule (3.).

24—(1.) No person shall keep any dog within the boundaries of any District or of any Municipality for a period of Seven days without causing a description of such dog to be registered, and such registration to be renewed from year to year, in manner hereinafter mentioned.

Penalty: Two Pounds.

(2.) Nothing herein contained shall be deemed to require the registration of any dog under the age of Four months, or which has not been kept as aforesaid for a period of Seven days; but the proof that such dog is so under age, or has not been so kept, shall in all cases lie upon the owner or keeper of such dog.

25—(1.) There shall be kept at the office of the Town Clerk of each Municipality, and at each Police Office in each District, a sufficient quantity of labels of metal or other suitable material, capable of being affixed to a dog-collar, which labels shall be numbered consecutively from One upwards, and shall be marked with a sign to denote the name of the Municipality or District or part of the District, and the year for which the same are issued.

(2.) Any person shall be entitled to receive from the Town Clerk or Clerk of Petty Sessions a label in respect of each dog that he registers.

(3.) Duplicate labels shall be issued on payment of a fee of One Shilling on a statutory declaration that the original label has been lost or stolen.

(4.) The name and residence of all persons who shall procure such labels shall be entered in a register-book, in the form in the Schedule (2.), to be kept at the office of the Town Clerk of the Municipality or Police Office of the District for that purpose, and opposite the name shall be registered the number on the collars respectively purchased by such persons, and a description of any dogs to which such labels are to be affixed; and any person applying for the particulars of any dog so registered, and of the name of the owner or keeper thereof, shall be entitled to receive the same on payment of a fee of Sixpence.

26—(1.) Every registration of a dog shall be made by the owner thereof, or some person on his behalf, delivering at the office of the Town Clerk in a Municipality, or at a Police Office in a District, a description of such dog, together with the other particulars hereinbefore required to be entered in the register-book, and paying the registration fee. Such description shall be entered in the register-book, and the owner or other person shall receive a receipt, in the form in the Schedule (3.), and a label to be worn on the collar of the dog so registered.

(2.) Every such registration shall be deemed to be in force from the day upon which the same is so made until the Thirtieth day of April

Police.

then next ensuing and no longer ; and every such registration shall by every such owner or keeper, or some person on his behalf, be in like manner renewed from year to year : Provided always, that every such registration which is made in the month of *April* in any year shall be deemed to be, and shall be, in force until the Thirtieth day of *April* of the year next ensuing and no longer.

A.D. 1905.

27 Any person who shall wilfully—

- i. Insert, or cause or permit to be inserted, in any such description any matter or thing whatsoever contrary to the truth : or
- ii. Omit or cause to be omitted from any such description any matter or thing whatsoever for the purpose of concealing the truth—

Penalty for false description.

Ibid., s. 25.

shall be deemed guilty of an offence against this Act.

Penalty : Two Pounds.

28 At the time of making every such registration there shall be paid into the hands of the Town Clerk of the Municipality or Clerk of Petty Sessions in the District where such registration is made, by the party making the same, the sum of Five Shillings in respect of every dog mentioned in such registration ; and until such amount is so paid no such registration shall be deemed to be duly made : Provided that where such registration happens to be made after the month of *October* and before the month of *April* in any year, One-half the said sum shall be payable or paid.

Fees payable on registration.

29 Vict. No. 10, s. 26.

29 Every registration of a dog made under this Act shall be in force throughout the State, and any person being the owner of a registered dog may remove such dog to any other Municipality or District than the one wherein such dog is registered without payment of any fee.

Registration to have effect throughout State.

30 When the ownership of a dog is changed the registration of such dog shall continue good, and the registration label shall, upon the application of the new owner, remain with the dog ; but the name of the new owner of such dog shall, upon application by him, be entered in the register-book in substitution for the name of the previous owner thereof without payment of any fee, and thereupon for the purpose of this Act such new owner shall take the place of the previous owner.

Name of new owner may be registered without fee.

31 All sums and fees received by the Town Clerk as aforesaid shall form part of the Funds of the Municipality, and all sums and fees received by the Clerk of Petty Sessions in any District, shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

Appropriation of fees.
29 Vict. No. 10, s. 31.

32 Any dog without a collar having the proper registration label thereon shall *prima facie* be deemed to be unregistered, and the occupier of any property upon which such dog is found, or the agent of such occupier, may destroy any such dog.

Unregistered dog found on property may be destroyed.

Police.

A.D. 1905.

Dogs at large
may be seized and
a penalty inflicted
upon the owner.

29 Vict. No. 10,
s. 33.

If dog unclaimed,
same may be sold
or destroyed.

Owners of dogs
with label on
collars to have
notice of seizure.

Appropriation of
moneys.

Proof of owner-
ship.

Ibid., s. 35.

Dangerous dog
may be ordered to
be kept under
control or
destroyed.

33—(1.) No person, being the owner or keeper of any dog, shall permit or suffer such dog to be at large without being under the immediate custody, protection, or control of some competent person.

Penalty : Five Pounds.

(2.) It shall be lawful for any person authorised by the Mayor in any Municipality, or any constable in any District, to seize and secure such dog; and if the owner of such dog do not, within Forty-eight hours after the seizure of such dog, reclaim the same, and pay a sum of Two Shillings and Sixpence for the cost of keeping such dog, it shall be lawful for any Justice to order that such dog shall be, at such time as to him seems fit, sold by auction, or shot, or otherwise destroyed.

(3.) No dog on which there is a collar with a registration label affixed thereto shall be sold or destroyed under the provisions of this Section until notice has been left or served by post at the registered address of the owner of the seizure of such dog, and of the place where such dog is detained, and no Justice shall direct such dog to be sold or destroyed until proof has been made to the satisfaction of such Justice—

- i. That the notice hereinbefore referred to has been so left : and
- ii. That Forty-eight hours have elapsed since such notice was given or served : and
- iii. That the owner of such dog has not reclaimed it and paid the said sum of Two Shillings and Sixpence for the cost of keeping such dog.

(4.) All fees made payable, and the net proceeds of the sale of all dogs sold, under the provisions of this Section—

- i. In any Municipality, shall form part of the funds of the Municipality :
- ii. In any District, shall be paid into the Treasury, and form part of the Consolidated Revenue Fund.

34 In any prosecution under this Act every dog shall be deemed and taken to be kept by the person who is in the actual occupation of the house or premises upon which such dog is found, unless reasonable proof to the contrary thereof is adduced by the defendant; and the person by whom any dog is ordinarily kept shall be liable to the several provisions of this Act as the keeper of such dog, whether kept for his own use or that of another : Provided that with respect to any dog kept or used by any servant, the same shall be deemed to be kept by his master or employer for the time being.

35 A Police Magistrate or Two Justices sitting in Petty Sessions may take cognizance of a complaint that a dog, whether at large or not, is dangerous, and not kept under proper control; and if it appears to such Police Magistrate or Justices that such dog is dangerous, he or they may make an order directing such dog to be kept by the owner under proper control or destroyed; and any person failing to comply with such order shall be deemed guilty of an offence against this Act.

Penalty : Five Pounds.

Police.

36 Any person who shall permit any dog which shall be known to be dangerous, or to have bitten or injured any person, or any animal, or other property, to go at large, whether with a registration label affixed to its collar or not, without being muzzled in such a manner as will admit of the dog breathing and drinking without obstruction, shall be deemed guilty of an offence against this Act.

A.D.1905.

—
Dangerous dogs
to be muzzled.

Penalty : Two Pounds.

37 Any person who shall see a dog being at large biting or attacking any person or any animal, or who shall himself be bitten or attacked by such dog, may destroy the same without being answerable for damage occasioned thereby.

Dogs biting or
attacking persons
or animals may
be destroyed.

38 The owner or the agent of the owner of any cattle or sheep, or any servant or person employed by such owner or agent, may destroy any dog running at large among such cattle or sheep, without being answerable for any damage occasioned thereby.

Dog running at
large among
cattle or sheep
may be destroyed.

39 The owner of every dog shall be liable in damages for injury done by his dog, and it shall not be necessary for the party seeking damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such mischievous propensity, or that the injury was attributable to neglect on the part of the owner of the dog.

Owner of dog
liable for
damages.

40 No person shall—

i. Falsely make or counterfeit : or

ii. Knowing the same to be false or counterfeit, purchase, use, or have in his possession—

Counterfeiting
labels.

any label resembling, or apparently intended to resemble or pass for, a label supplied under the provisions of this Act.

Penalty : Twenty Pounds.

41—(1.) It shall not be lawful for any person after the Thirtieth day of *April* to have in his following or keep any dog wearing a label issued in any previous year, which dog shall not have been registered for the then current year.

Penalty for
having dogs
wearing wrong
labels.

Penalty : Five Pounds.

(2.) It shall not be lawful for any person to have in his following or keep any dog wearing a label issued in respect of another dog.

Penalty : Ten Pounds.

42—(1.) No person shall wilfully or maliciously remove from any dog the label of registration affixed to any collar worn by such dog, or the collar to which the said label is affixed.

Penalty for
removing label.

Penalty : Ten Pounds.

(2.) Any person who shall so remove any such collar or label shall also forfeit and pay to the owner of any dog that may have been destroyed under the provisions of this Act, and in consequence of the removal of such collar or label, the full value of the dog so destroyed.

Police.

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PART VI.

REGULATION OF VEHICLES.

Execution of this
Part of Act in
Towns in
Districts.
29 Vict. No. 10,
s. 116.

43 The provisions of this Part of this Act shall extend and apply to every Municipality only, but the Governor may, by Proclamation published in the *Gazette*, extend the whole or any part of this Part of this Act to any Town in any District; and thereupon in such Town—

i. All acts, matters, and things to be done, performed, and executed by the Mayor of any Municipality shall be done and performed by the Police Magistrate of the District, or by Two Justices sitting in Petty Sessions in such District: and

ii. All acts, matters, and things to be done, performed, and executed by the Municipal Council of any Municipality shall be done, performed, and executed in such Town by the Court of General Sessions of the District in which such Town is situated:

Provided that the provisions of this Part of this Act relating to coaches and coach-drivers shall apply to all Districts as well as to all Municipalities.

Division of Part
VI. of Act.

44 This Part of this Act is divided into Six Portions or Divisions, as follows:—

- Division I.—Provisions applying to all Vehicles.
II.—Vehicles for carrying Passengers.
III.—Drivers' Licences.
IV.—Fees, Cab-stands, and Fares.
V.—Various Obligations of Proprietors and Drivers of Vehicles carrying Passengers.
VI.—Vehicles for carrying Goods.

DIVISION I.—*Provisions applying to all Vehicles.*

Existing licences,
&c., continued.

45—(1.) Every existing licence of a vehicle or driver shall, subject to the provisions for suspension or revocation of licences herein contained, be subject to this Act. All Regulations or notices as to stands and fares shall continue until others are respectively prescribed.

Licence does not
exonerate pro-
prietor if vehicle
defective.

(2.) The fact that a vehicle is duly licensed is not to be a defence in any action or proceeding against the proprietor thereof if such vehicle be defective in any respect, or does not comply with the provisions of this Act, notwithstanding such defect or want of compliance may have existed at the time the licence was issued.

Record of licences
to be kept.
Ibid., s. 48.

46—(1.) Particulars of the facts stated in every licence, and of every endorsement made on a licence as hereinafter provided, shall be entered by the Town Clerk of the Municipality or Clerk of Petty Sessions of the District where the same was issued in a book to be provided for that purpose, in which book shall be contained columns of places for entries to be made of any offence committed by the proprietor or driver of any licensed vehicle, and any person may at any reasonable time inspect such book without payment of any fee.

To be open to
inspection.

Police.

(2.) A return of all licences issued under the provisions of this Act relating to vehicles shall be furnished to the Commissioner of Police on the last day of each month by the Town Clerk of the Municipality or Clerk of Petty Sessions of the District where the same are granted.

Penalty : Five Pounds.

47 If the proprietor or driver of any licensed vehicle is brought to answer any information or complaint made against him by any person other than a constable, touching any offence alleged to have been committed by such proprietor or driver against this Part of this Act, and such information or complaint is afterwards withdrawn or dismissed, or if the defendant is acquitted, the Justices may, if they think fit, order and award that the person laying or making such information or complaint shall pay to the defendant such costs of making or preparing for his defence, and also such compensation for his loss of time and for the time of his witnesses, if any, in attending the Court, as to such Justices seems reasonable.

Division II.—Vehicles for carrying Passengers.

48—(1.) The proprietor, or owner, or driver of every vehicle for carrying passengers which plies for hire, or is driven, at any time from half an hour after sunset until half an hour before sunrise, shall, except on clear moonlight nights, cause the same to be provided with proper lamps, which shall be lighted and kept lighted, and be carried on the front of such vehicle while plying for hire or being so driven. This Sub-section extends to private as well as public vehicles.

Penalty : Two Pounds.

(2.) Every vehicle shall be fitted with brakes specially adapted to the conditions of the traffic in the locality in which it is intended to be used, and sufficient to secure the safety of persons travelling thereby.

Penalty : Two Pounds.

(3.) Every licensed vehicle is to be kept in a sound, serviceable, and clean state, and safe and fit for public use, with all brakes and other appliances thereto thoroughly efficient.

Penalty : Two Pounds.

49 Every vehicle whatsoever (except a tram-car or railway-carriage) used or let for the purpose of carrying (between extreme points, to be specified in the Licence) passengers for hire, each of whom in fact pays or is charged a separate fare for his seat, shall be deemed a coach within the meaning of this Act, and shall be licensed in the Municipality or District from or to which it is intended to travel.

A Coach Licence shall be in the form in the Schedule (4.).

50 Every other vehicle whatsoever (except a tram-car or railway-carriage) used or let for the purpose of carrying passengers for hire, each of whom in fact pays or is charged a separate fare for his seat, shall be deemed an omnibus within the meaning of this Act, and shall be licensed in the Municipality or District in, from, or to which it is intended it shall ply.

An Omnibus Licence shall be in the form in the Schedule (5.).

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Return of
Licences to be
made to Commis-
sioner of Police.
29 Vict. No. 10,
s. 58.

If a complaint
against a pro-
prietor or driver
dismissed com-
plainant to pay
costs.

Ibid., s. 162.

Vehicle carrying
passengers to
have lamps after
sunset.

1 Ed. VII. No.
42, s. 5.
29 Vict. No. 10,
s. 158.

Private vehicles
included.

Special brakes
required if
vehicles to be
used in hilly
districts.

Vehicles to be
kept in fit state
for use.

All vehicles used
as coaches to be
licensed.

Definition of
coach.

Ibid., s. 39.
Schedule (4.).

Vehicles used as
omnibuses.

52 Vict. No. 41,
s. 1.

Schedule (5.).

Police.

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Cabs to be licensed.

Definition of limits of this Act. 29 Vict. No. 10, s. 119.

Schedule (6.).

Cabs already licensed in a town may be licensed in another for half fee.

Driver need not be twice licensed.

Vehicles to be separately licensed.

Definition of "proprietor." Application to be made by proprietor.

Ibid., ss. 40, 121, 123.

Vehicles to be exhibited to licensing authority. Licence to state number of passengers to be carried.

Ibid., s. 41.

Licence fee to be paid.

Justices may order inspection of vehicle.

Ibid., s. 126.

Duration of Licences.

Ibid., s. 44.

51 Every vehicle (except a tramcar, coach, or omnibus) used for the purpose of standing or plying for passengers for hire within the limits of this Act (which term in this Act includes any Town and an area any point in which is within Five miles of the principal post office for the time being of any such Town) shall be deemed a Cab within the meaning of this Act, and shall be licensed in the Town in which it is so used.

A Cab Licence shall be in the form in the Schedule (6.).

52 Whenever a cab has been licensed in one Municipality and the proprietor thereof desires to have the right of plying for hire in another Municipality, he may be permitted to do so upon producing the Cab Licence to the Mayor of such other Municipality, and paying a fee equal to One-half the fee that may be payable in such other Municipality for a Cab Licence therein. Thereupon the Mayor shall cause an endorsement to be made on the Licence of the payment of the said half-fee, and that the cab mentioned in the original Licence is permitted to ply for hire in such other Municipality until the Thirty-first day of *December* next ensuing.

It shall not be necessary in such case for the driver to be again licensed.

53—(1.) Every Coach Licence may be issued by a Police Magistrate or Two or more Justices sitting in Petty Sessions.

(2.) Every Omnibus or Cab Licence may be issued—

- i. In any Municipality by the Mayor:
- ii. In any District by a Police Magistrate or Two or more Justices sitting in Petty Sessions.

(3.) Every such licence shall, except as hereinafter provided, apply to one vehicle only, and may be granted—

- i. Upon the written application of any proprietor (which term in this Act includes every person who is solely or in partnership with any other person concerned otherwise than merely as a driver in keeping, using, or letting to hire any coach, omnibus, or cab) setting forth the name and surname and place of abode of every such proprietor or of person concerned in keeping the vehicle:

- ii. After the vehicle, which shall bear a distinguishing number, has been exhibited to the Mayor, Police Magistrate, or the Justices granting the Licence, who shall state in the Licence the said number and the number of passengers which may with safety and convenience be carried by such vehicle: and

- iii. Upon the payment of the respective fee fixed by this Act to be paid in every such case.

(4.) The Mayor, Police Magistrate, or Justices granting any licence as aforesaid may cause any inspection of the vehicle they consider necessary to be made to satisfy them that it is in a fit and proper condition for public use, and with efficient brake power to secure the safety of its passengers when descending inclines.

(5.) A licence shall be in force (except during the suspension thereof, and unless the same is forfeited) until the Thirty-first day of *December* then next, but may be renewed from year to year.

Police.

54 No coach or omnibus shall be deemed to be constructed to carry a greater number of passengers than the same will contain at one time, exclusive of the driver but including any conductor or guard, upon proper seats provided for that purpose, allowing for every passenger on an average a space convenient for sitting thereon of Sixteen inches, measuring in a straight line lengthwise on the front of each seat: Provided always, in the case of children under Seven years of age, Two shall be accounted as equal only to One adult person, and so on in the same proportion; but any One such child only, or any child or children in the lap, shall not be reckoned at all.

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Number of passengers coach or omnibus to be deemed to be constructed to carry.

29 Vict. No. 10, s. 42.

55—(1.) Every cab licensed to carry not less than Six persons (without being licensed as an omnibus) may at any stand exhibit a card or board in some conspicuous place on the outside of the cab, whereon shall be printed or painted in letters not less than Two inches high and of a proportionate breadth the words "running as an omnibus to _____," (*naming the place to which such cab is to go*), and also the fares for each passenger for the whole distance; and thereupon any person may require such cab so running as an omnibus to start within Five minutes of his entering it for the place so named in the notice, but the driver may take as many passengers as he pleases at the same separate fare not exceeding the number his cab is licensed to carry.

Certain cabs may run as omnibuses.

63 Vict. No. 33, s. 8.

(2.) Notwithstanding such cab may be so running as an omnibus it may (unless some person is seated in it or has engaged a seat therein as an omnibus) be hired as any other cab may be, and thereupon the aforesaid card or board shall be removed, and shall not be exhibited during such hiring.

Cab running as an omnibus may be engaged as an ordinary cab.

56—(1.) Upon payment of such fee therefor as the Municipal Council of a City may from time to time fix, the Mayor of such City may grant to the proprietor of any licensed cab a special licence, setting forth that such cab may be engaged by the secretary of any tourists' association approved of by such Mayor to convey passengers for hire along any routes selected by such association for tourists' drives, and that a separate fare may be charged for each passenger so carried, in accordance with a table of charges to be fixed by the association.

Cabs may be specially licensed for tourists' drives.

Ibid., s. 6.

(2.) Every such special licence shall be in force until the Thirty-first day of *December* following its date, provided the ordinary licence for such cab so long continues.

(3.) In engaging cabs under this Section the said secretary shall engage in rotation according to the date upon which the special licences have been taken out, all cabs so licensed, and shall distribute the work among all such cabs so far as is reasonably practicable.

(4.) If any question or complaint arise in respect to any such engagement as aforesaid, it shall be decided by a Police Magistrate, or Two Justices of the Peace, whose decision shall be final.

Police.

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DIVISION III.—*Drivers' Licences.*

Drivers not to be under Seventeen years of age.

42 Vict. No. 25, s. 6.

To be licensed by the respective authorities licensing their vehicles.

29 Vict. No. 10, ss. 40, 47, 48.

Schedule (8.).

Form of Cab Licence.

Ibid., ss. 128, 48. Schedule (9.).

Application for licences.

Ibid., s. 49.

42 Vict. No. 25, s. 7.

Penalty for misrepresentation.

29 Vict. No. 10, s. 49.

Driver may change his vehicle.

Ibid., s. 131.

Licence fees.

Ibid., s. 40.

52 Vict. No. 41, s. 3.

57—(1.) Every driver of a coach, or omnibus, or cab shall not be less than Seventeen years of age, and shall be licensed as herein provided by the same authorities as are by this Act respectively authorised to license their said respective vehicles.

(2.) A coach or omnibus driver's licence shall be in the form in the Schedule (7.), but it shall not be necessary for the same driver to hold both a coach and omnibus driver's licence.

(3.) A cab driver's licence shall be in the form in the Schedule (8.), and shall entitle the holder to drive any cab belonging to the same proprietor.

(4.) Every such licence (except as aforesaid) shall apply to One vehicle only, and may be granted upon a requisition signed by the applicant for the same, setting forth the proper name and surname, age, and place of abode, and endorsed by the proprietor of the vehicle such person is intended to drive, and accompanied with such certificates of his age and ability to drive, and of his good character, as shall be satisfactory to the Justices.

(5.) Any person applying for a Driver's Licence who makes or causes to be made any false representation in regard to his name, age, or abode, or who does not truly answer all questions asked of him in relation to his application, and any person to whom reference is made in regard to such application who wilfully makes any representation with the intention of deceiving the Justices, is guilty of an offence against this Act; and any Justice may, upon proof of any such offence, revoke any Driver's Licence which has been granted under any such false representation.

Penalty: Five Pounds.

(6.) Every Driver's Licence shall be in force, except during the suspension thereof, or unless forfeited, as hereinafter provided, until the Thirty-first day of *December* then next, and no longer.

(7.) When any licensed driver desires to drive any other cab, coach, or omnibus, than that mentioned in his licence, he shall produce his licence, with a written request specifying the number of such other vehicle, and endorsed by the proprietor thereof, to the Mayor, who shall endorse on the licence the number of the vehicle which is thereafter to be driven by such driver; but it shall not be necessary to comply with this Section for an occasional or temporary alteration in the driver of a licensed vehicle.

DIVISION IV.—*Fees, Cab-stands, and Fares.*

58 There shall be payable to the Town Clerk of the Municipality, or Clerk of Petty Sessions of the District, where any of the aforesaid licences are issued, upon the issue thereof, the fees following:—

- I. For every Coach Licence, the sum of One Pound :
- II. For every Omnibus Licence, the sum of One Pound Ten Shillings :

Police.

- iii. For every Cab Licence, such sum not exceeding Ten Pounds, as may from time to time be fixed by the Municipal Council:

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29 Vict. No. 10,
s. 122.

Provided, that a proportionate reduction shall be made in every such fee if the licence is issued later than the First day of *March* for the proportionate part of the year which has then elapsed:

- iv. For every Driver's Licence, the sum of Five Shillings.

59 All fees for Licences issued under this Part of this Act—

- i. In any Municipality, shall form part of the funds of such Municipality:
- ii. In any District, shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

Appropriation
of fees.
29 Vict. No. 10,
s. 116.

60—(1.) The Municipal Council of every Municipality in which cabs ply for hire shall, in the month of *November* in every year, by a Regulation to be by them made, and advertised in a public newspaper generally circulating in the Municipality, prescribe the respective fares (by time or distance) to be charged to passengers by such cabs, within the limits of this Act, after the First day of *January* then next following.

Fares to be fixed
and published
every year.
Ibid., s. 142.

(2.) Such fares may be varied by the Municipal Council from time to time before the expiration of the year succeeding the publication of the Regulation, but, from the date fixed by any such Regulation until a fresh one is made, shall be deemed to be the cab fares that may be lawfully taken and demanded in such Municipality.

May be varied
during the year.

(3.) One-half more than the fares so fixed shall be paid for any period during which a cab is employed between the hours of Ten o'clock at night and Six o'clock in the morning.

One-half more
fare after Ten
o'clock.

(4.) The hirer may elect to pay his fare either by time or distance, but in no case shall it be payable partly by time and partly by distance.

Fare either by
time or distance.

(5.) The driver shall not be compelled to wait at any place to which he may have conveyed the passenger unless such passenger expresses his desire to return in the cab, and the driver shall then wait without charge a period not exceeding Five minutes for every mile of the distance traversed thereto.

Driver not to wait
unless ordered.
Ibid., s. 143.

(6.) No return fare shall be demanded unless the hirer returns in the cab, when he shall pay for such return journey One-half of the fare chargeable in the first instance.

No return fare
unless passenger
returns, when
half-fare to be
paid.

(7.) The driver shall not be compelled to go beyond the limits of this Act, but when he does so, unless any specific agreement has been made, the fare shall be regulated in proportion to distance or time, according to the regulation as to fares then in force.

Ibid., s. 145.
Driver not
compelled to go
beyond limits of
this Act.

(8.) The hirer shall refund to the driver all tolls or ferry dues which the driver may pay while conveying him.

Ibid., s. 147.
Ferries, &c., to be
paid by hirer.
Ibid., s. 144.

Police.

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Cab-stands to be appointed.

Ibid., s. 140.

63 Vict. No. 33, s. 7.

61 The Mayor may from time to time, by a notice published in the *Gazette*—

- i. Appoint stands or places therein where cabs may stand and ply for hire. And may appoint special stands for holidays and other special occasions for use by cabs and omnibuses; also stands for occasional use by vehicles licensed for tourist drives or other purposes mentioned in this Act :
- ii. Regulate the number of cabs or omnibuses permitted to stand upon any such place at one time, and the manner in which such cabs shall stand thereupon, and the time to be allowed between the departure of omnibuses for the same place.

DIVISION V.—Various Obligations of Proprietors and Drivers of Vehicles carrying Passengers.

- (a) Obligations of Proprietors.
- (b) Obligations of Drivers.
- (c) Joint Obligations of Proprietors and Drivers.
- (a) Disputes between Hirers and Drivers of Cabs.

(a) Obligations of Proprietors.

For keeping an unlicensed vehicle.

29 Vict. No. 10, ss. 38, 120.

Or incorrectly naming proprietors ;

liable to a penalty.

Onus of proof on defendant.

62—1. Every proprietor who keeps, uses, or lets to hire a cab within the limits of this Act, or keeps or uses any coach or omnibus, unless there is a licence then in force for every such vehicle :

- ii. And every proprietor who, when applying for a Coach Licence, omits to state the name of any proprietor of the coach for which the licence is applied, or untruly sets forth therein the name of any person as a proprietor thereof—

is guilty of an offence against this Act.

In any proceeding under the first part of this Section it shall not be necessary to prove that the licence has not been obtained or is not in force, but the onus of proof that such licence has been obtained and is in force shall lie upon the defendant.

Penalty : Twenty Pounds.

To be painted on coach and omnibus, proprietor's name and passenger accommodation.

Ibid., s. 45.

63—1. Every proprietor of any coach or omnibus who fails to keep painted in some conspicuous place upon the back thereof in words at length in conspicuous letters not less than One inch at the least in height and of a proportionate breadth, and of a colour distinct from that of the ground on which the same are so painted, so as to be distinctly legible—

- (a) The name of the proprietor or one of the proprietors thereof ; and
- (b) The number of passengers which the same is licensed to carry inside and outside respectively :

Police.

11. And the proprietor of any coach, omnibus, or cab, who fails

to keep the number stated in the licence thereof painted white on a black ground, or *vice versa*, in figures of not less than Two inches in length and of a proportionate breadth, affixed to open view upon the back thereof, and also painted so as to be distinct and legible on the front glass of each lamp of every cab, the said number in figures One inch at least in length—

is guilty of an offence against this Act.

Penalty: Five Pounds.

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On coach and omnibus and cab, the number thereof.

Ibid., s. 160.

And on cab lamp glasses.

64—(1.) Every proprietor shall, within Seven days—

1. After he has become newly possessed of a licensed cab: or

11. After change in his place of abode—

give notice in writing of the change of proprietorship or change of abode, as the case may be, to the Mayor of the Municipality, stating therein his proper name and surname and his place of abode, and produce the cab licence to the said Mayor, who shall thereupon endorse, date, and sign a memorandum specifying the particulars of the change.

Penalty: Five Pounds.

Changes of proprietorship and place of abode of proprietor of cab to be notified within Seven days.

29 Vict. No. 10, ss. 124, 125.

Who is to be deemed proprietor for purposes of this Act.

(2.) Every such endorsement shall, from the date thereof, be considered as part of the licence, and any person who appears by any such endorsement to be the proprietor of the cab mentioned in such licence shall be deemed to be the proprietor for the purposes of this Act.

Liabilities of Proprietors for Faults of Drivers.

65—(1.) When an information is laid before a Justice against the driver of a licensed cab for any offence committed by him against the provisions of this Act, it shall be lawful for such Justice, if he thinks proper, forthwith to summon the proprietor of the cab personally to appear or to produce the driver thereof to answer the complaint.

Proprietors to attend or produce drivers when required.

Ibid., s. 162.

(2.) If any such proprietor neglects or refuses personally to appear or produce such driver according to such summons without a reasonable excuse for his neglect or refusal to be allowed by the Justice before whom he ought to appear according to the summons, he shall be deemed guilty of an offence against this Act as often as he is so summoned until he appears, or such driver has been produced by him.

Penalty for non-compliance.

Penalty: Two Pounds.

(3.) Every proprietor so summoned to appear, or to produce the driver of any licensed cab, shall cause a notice to be given to the driver of the time and place at which he is so required to attend; and if after any such notice any driver, without reasonable excuse to be allowed by the Justice, neglects or refuses to attend at the time and place at which he is so required to attend, he shall be deemed guilty of an offence against this Act.

Proprietor to give notice to the driver.

Penalty upon driver for non-compliance.

Ibid., s. 163.

Penalty: Two Pounds.

Police.

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Not necessary
to issue a second
summons if first
disregarded.

If driver not
produced pro-
prietor liable to
fines.

Proprietor of
coach, livery
carriage, &c.,
liable for fines if
driver or guard
does not pay.

29 Vict. No. 10,
s. 57.

Proprietor,
without notice of
proceedings, may
apply for re-
hearing.

Which may be
recovered from
driver with
further expenses.

Ibid., s. 163.

If driver not
known, summons
served on pro-
prietor good
service on driver.

Ibid., s. 164.

Licences of
vehicles may be
suspended or
forfeited.

Ibid., s. 132.

Notice to be
given.

(4.) If such proprietor neglects or refuses to appear or to produce such driver when so summoned, it shall not be necessary to issue a second summons unless the Justice thinks proper so to do; but it shall be lawful for him to proceed to hear and determine the complaint in the absence of the said proprietor and of the driver, or either of them and upon proof of such offence by the oath of any credible witness to give judgment against such proprietor or driver, as the case may be, for the penalty incurred by reason of such offence.

(5.) Whenever in any of the aforesaid cases the driver does not appear or is not produced by the proprietor of the cab, then the said proprietor is liable to every penalty as if he were the driver of the cab at the time the offence is committed.

(6.) If the driver or conductor or guard of any coach, or omnibus, is in any case unknown, or does not satisfy within One week the amount of any penalty imposed upon him, any proprietor of such vehicle shall be liable to the payment of every such penalty in all respects as if he had personally been convicted of the offence, but may (unless he had notice of the proceedings) upon depositing the amount of such penalty and costs, and also the fees for a second hearing, apply to any Justice for a re-hearing of the case, and a Justice may thereupon, upon being satisfied as to the facts, appoint a day for that purpose, and cause notice to be given thereof to the complainant; and upon such re-hearing the Justice may make such order in the premises and also as to the cost of the proceedings as to him seems just.

(7.) Any proprietor who pays any penalty or costs under such circumstances shall be entitled upon complaint made before any Justice to recover the same from the driver or conductor or guard, together with such further expenses as the said Justice thinks fit.

(8.) When a complainant is unable to ascertain the name or identify the driver, it shall be sufficient in his information or complaint to state the number of the cab which the person he so complains of was driving at the time the offence was committed; and any summons issued by any Justice thereupon may be directed "To the Driver of Cab No. _____," as the case may be, and the service of the summons upon any proprietor of such cab shall be deemed and taken a good and sufficient service upon the driver thereof.

66—(1.) Any Justice before whom the proprietor of any licensed vehicle is convicted of any offence may, if such Justice in his discretion thinks proper, suspend for any period not exceeding Two months the licence granted for such vehicle.

(2.) Any Two Justices may if they think proper, upon proof that the proprietor of any licensed vehicle has been convicted of felony, or upon conviction before them of any such proprietor for a second offence against this Act, if such Justices in their discretion think proper, revoke the licence granted for such vehicle.

(3.) Notice of every such suspension or revocation shall be given as hereinafter provided.

*Police.**(b) Obligations of Drivers.*

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67—(1.) No person shall act as driver of any coach, omnibus, or cab, unless he has obtained a licence so to do, and such licence is then in force; and in any proceeding for any offence against this Section it shall not be necessary to prove that such licence has not been obtained or is not in force, but the onus of proof that it has been obtained and is in force shall lie upon the defendant.

Penalty for driving without a Licence.

Ibid., ss. 41, 120, 127.

Penalty : Five Pounds.

(2.) The driver of any licensed cab may stand and ply for hire with such cab and drive the same on *Sunday*, any law to the contrary notwithstanding. Any driver who so stands and plies for hire shall be liable and compellable to do the like work on *Sunday* as such driver is by this Act liable or compellable to do on any other day of the week.

Cabs may ply on *Sundays*.
29 Vict. No. 10, s. 167.

(3.) Every driver of a cab who changes his place of abode shall within Two days next after such change give notice thereof in writing, specifying truly in such notice his new place of abode, to and produce his licence to the Mayor of the Municipality, who shall endorse thereon and sign a memorandum of the particulars of such change.

Cab driver to give notice of change of abode.
Ibid., s. 130.

Penalty : One Pound.

68—(1.) The driver of a cab shall not—

- i. Whilst plying for hire, without lawful excuse to be determined by the Magistrate or Justices before whom the matter is heard, refuse or neglect to convey any person desirous of hiring such cab (unless it has been hired by some other person): or
- ii. When his cab is running as an omnibus as aforesaid neglect or refuse to start within Five minutes of a passenger entering such cab: or
- iii. Having agreed with any person to take him as a fare at any specified time, or from any specified place, without lawful excuse delay, neglect, or refuse so to do: or
- iv. Neglect or refuse to wait with his cab for a passenger who, having been conveyed therein, has expressed his desire to return in the same.

Drivers refusing to take passengers (unless engaged) or breaking engagements.
Ibid., s. 157.

Penalty : Five Pounds.

(2.) Unless actually hired, a cab in any public place within the limits of this Act is deemed to be plying for hire.

Not waiting for fare when so ordered.
Ibid., s. 146.

69 Every driver of a cab who is convicted of any of the offences next mentioned shall be deemed guilty of an offence against this Act; that is to say—

- i. Failing to comply with any particular prescribed in any *Gazette* notice as to stands: or
- ii. Not having and not producing on demand a card or paper on which shall be legibly written or printed the fares for the time being prescribed: or
- iii. Refusing, if required by any person hiring his cab, to drive it to any place to which he is so required to drive the same

What is deemed plying for hire.
Ibid., s. 141.

Penalty for driver disobeying stand regulations.

Ibid., ss. 140, 150.

Not keeping card of fares.

Refusing a fare.

Police.

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within the limits of this Act, unless he has a reasonable excuse, to be allowed by the Justice before whom any such matter is brought.

Penalty: Two Pounds.

Property left in cabs to be deposited at Police Office.
Ibid., s. 151.

70—(1.) The driver of a cab wherein any property whatever is left by any person shall, within Four days next after the same has been so left, carry such property, if not sooner claimed by the owner thereof, in the state in which he finds it, to the nearest Police Office, and there deposit and leave the same with the Constable in charge.

Penalty: Twenty Pounds.

And particulars entered in a book.

(2.) The Constable shall forthwith enter in a book, to be kept at the said office for that purpose, the description of the property, and the name and address of the driver who brings the same, and the date when it is brought.

Owner may claim within a year.

(3.) The property shall be delivered to the person who proves to the satisfaction of the Mayor that he is the owner, and pays all expenses incurred, together with such reasonable sum to the driver who deposited the same, as with reference to the value of the property in question the Mayor awards.

If not so claimed to be returned to driver if applied for.

(4.) If the property is not claimed by and proved to belong to some person within One year after the same has been deposited (having been advertised in such manner as the Mayor may direct), it shall be delivered up to the driver who deposited the same, provided he applies for it within One month next after the expiration of the said One year.

If not applied for to be sold.

(5.) In default of such application by the driver within the time limited aforesaid, the Mayor shall cause such property to be sold or otherwise disposed of, and the proceeds thereof paid into the Municipal Fund.

Provision against overloading coaches and omnibuses.
Driver liable.
29 Vict. No. 10, s. 46.

71 Every driver of a coach or omnibus—

- I. Who allows any passenger to be carried upon any luggage placed on the roof thereof: or
- II. Upon which the number of passengers being carried is greater than the total number of passengers or than the number of inside or outside passengers respectively specified in and allowed by the licence for such vehicle: or
- III. Who drives such vehicle while any luggage carried on the roof thereof is at any time so placed as in any part thereof to exceed Ten feet Nine inches from the ground—

shall be deemed guilty of an offence against this Act.

Penalty: Five Pounds.

Drivers to be in attendance on their vehicles and horses.
Ibid., s. 159.

72 Every driver of any licensed vehicle which is in any public place or at any place of public resort or entertainment, whether such vehicle be then hired or not, shall either by himself or by some other competent person acting for him, be attendant upon the horses and vehicle of which he is the driver.

Penalty: Two Pounds.

*Police.***73** If the driver of any licensed vehicle—

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- i. Is intoxicated whilst acting as such driver : or
- ii. By wanton or furious driving injures or damages any person in his life, limb, or property : or
- iii. Drives furiously : or
- iv. Refuses or neglects to drive such vehicle with all reasonable and proper expedition : or
- v. By loitering, or by any wilful misbehaviour, causes any obstruction in any public road, street, or place : or
- vi. Quits the box of such vehicle without delivering the reins into the hands of some competent person, or before some competent person has been placed at the horses' heads : or
- vii. Permits any passenger to drive a coach or omnibus : or
- viii. Quits his vehicle without reasonable occasion, or for a longer time than such occasion requires : or
- ix. Suffers any person in a state of intoxication to be carried by any coach or omnibus, or having become intoxicated to remain thereon or therein : or
- x. Neglects to take reasonable care of any luggage carried or to be carried by a coach : or
- xi. Abuses or insults any person travelling or having travelled as a passenger in or on such vehicle—

Punishment of certain offences committed by drivers.

Ibid., ss. 55, 152.

he shall be deemed guilty of an offence against this Act.

The provisions of Paragraphs x. and xi. of this Section shall apply to any conductor or guard of a coach or omnibus as well as to the driver.

Penalty : Twenty Pounds.

74—(1.) Any Justice before whom the driver of any licensed vehicle is convicted of any offence, may, if such Justice in his discretion thinks proper, suspend for any period not exceeding Two months the licence of such driver.

Drivers' licences may be suspended or forfeited.

29 Vict. No. 10, ss. 50, 133.

(2.) Any Two Justices may, if they think proper, upon proof that any driver has been convicted of felony, or upon the conviction before them of any such driver for a second offence against this Part of this Act, revoke his licence.

(3.) Every driver shall, during any such suspension or revocation, of which notice shall be given as hereinafter provided, be deemed to be a person not licensed to drive a licensed vehicle.

Effect of suspension or revocation.

*(c) Joint Obligations of Proprietors and Drivers.***75—**(1.) No proprietor or driver of a cab shall—

- i. While it is hired as a cab, permit or suffer any person to ride or to be carried in or by such cab without the consent of the hirer : or
- ii. Molest or oppose, or by any means endeavour to prevent any person in or from taking or noting the number of such cab, or by word of mouth give or declare to any person a wrong number as for the number thereof.

Penalty : Five Pounds.

Allowing any person but hirer to ride in a cab ;
Ibid., s. 151.

Prevents number of cab being taken ;

Ibid., s. 155.

is liable to a penalty.

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Penalty for carrying more than authorised number of persons in a cab.

Ibid., s. 153.

Penalty for refusing to give way, &c.

Ibid., s. 156.

For over-charging.

Excess fare received to be refunded.

Proprietor liable if driver unlicensed.

Driver also who drives another cab.

Exceptions.

Proof of being hired to lie upon defendant.

29 Vict. No. 10, s. 168.

Vehicles and horses may be inspected from time to time, and if found not complying with Act or unfit for use licence may be suspended or revoked.

Ibid., ss. 51, 136.

(2.) Every proprietor or driver of a cab who carries in or by such cab a greater number of persons than authorised by the licence for the same, is liable to a penalty not exceeding Five Pounds for every person he so carries over such authorised number.

(3.) Every proprietor or driver of a cab who—

i. Unless actually hired is found with his cab standing or loitering in a public place other than at an appointed stand : or

ii. Who stands or plies for hire with such cab, or suffers the same to stand or ply for hire, across any road, or alongside of any other cab or two in a breadth, or refuses to give way if he conveniently can to any other cab or other vehicle or obstructs or hinders the driver of any other cab in taking up or setting down any person into or from such other cab, or wrongfully in a forcible manner prevents or endeavours to prevent the driver of any other cab from being hired : or

iii. Demands a higher fare than is for the time being prescribed : or

iv. Receives such higher fare—

shall be deemed guilty of an offence against this Act, and in the last case shall also repay the excess fare.

Penalty : Two Pounds.

(4.) No proprietor of a cab shall permit or suffer any person to drive it, unless such person has obtained a Licence so to do, which is then in force ; and no driver shall drive any cab other than that mentioned in his Licence or in any such endorsement as aforesaid, except it be another cab belonging to the same proprietor, or except it be for a proprietor (who is also driver) of One cab only and who is incapacitated by illness.

Penalty : Five Pounds.

76 In any proceeding against the proprietor or driver of any licensed cab for any offence against this Act, the onus of proof that such cab was at any particular time actually hired shall lie upon such proprietor or driver.

77 Any Justices authorised by this Act to license vehicles, or the Mayor of any Municipality in which a cab plies for hire, or in which livery carriages are let out for hire, or through which a coach or omnibus passes, may cause an inspection to be made as often as deemed necessary of any such vehicle, or of any horses used in drawing the same ; and if any such vehicle, or any horse used in drawing the same, or harness attached thereto, does not comply with the requirements of this Act, or is at any time in a condition unfit for public use, the Justices or Mayor shall give notice in writing accordingly to the proprietor or one of the proprietors of such vehicle, which notice shall be personally served or delivered at his place of residence, and if, after notice as aforesaid, any proprietor uses,

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employs, or drives such vehicle, or uses or employs such horse or harness while so out of compliance with this Act, or whilst in a condition unfit for public use, or if any proprietor refuses to allow such inspection as aforesaid, any Justice may, upon complaint in that behalf made, in a summary way, suspend the Licence granted for such vehicle for any period not exceeding Two months, or any Two Justices or a Police Magistrate may revoke the said Licence.

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78 Every proprietor or driver who after such notice uses, employs, lets to hire, or drives any such vehicle or horse, shall be liable to a penalty not exceeding Three Pounds for every day that he so uses, employs, or drives such vehicle or such horse, and in default of payment may be imprisoned for any period not exceeding One month.

Penalty for using vehicles or horses unfit for use.

Ibid., ss. 52, 137.

79 Whenever under the powers herein contained any Police Magistrate, Justice, or Justices, suspend or revoke any licence, notice of suspension, or revocation, signed by the said Magistrate, Justice, or Justices, and in such form as he or they think fit, shall be given to the person named in the licence as the proprietor of the vehicle, or to the driver, as the case may be, or be left for him at the place mentioned in or upon such licence as the place of his abode; and in case such proprietor or driver has quitted such place, or the same is a false or fictitious place of abode, then the said Magistrate, Justice, or Justices shall cause such notice to be posted up in some public place at the office of the Municipal Council, which shall be deemed good and sufficient notice of such a suspension or revocation to all intents and purposes.

Notice of suspension or revocation of Licence to be given.

29 Vict. No. 10, ss. 53, 138.

80 If the proprietor or driver of any licensed cab shall at any time be convicted of any offence against this Part of this Act, having been twice previously convicted, the licence held by such proprietor or driver at the time of such third conviction shall thereupon become and be absolutely void.

Cab Licence forfeited after Three convictions.

42 Vict. No. 25, s. 8.

Every person whose licence shall have become void as aforesaid shall for One year thereafter be incapable of receiving or holding a similar licence under this Act.

81 Any Justice or Superintendent of Police, or Mayor or Town Clerk of the Municipality, may, for the purpose of examining the same, require the proprietor of any licensed vehicle to produce the licence for the same, or may require any licensed driver to produce his licence, and such proprietor or driver shall forthwith comply with any such requirement.

Licences to be produced when required.

29 Vict. No. 10, s. 134.

Penalty : Two Pounds.

82 In case of any complaint or dispute between the proprietor of any licensed vehicle and the driver thereof in respect to the amount of earnings, or the sums of money the driver has engaged to pay day by day to such proprietor, or in respect of injury, damage, or loss which has arisen through the neglect or default of such driver to the property of such proprietor entrusted to his care, or of penalties, forfeitures, or

Disputes between proprietors and drivers.

Ibid., s. 135.

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expenses which have been incurred by the proprietor through the misconduct of the driver, or respecting wages or reward alleged to be due to such driver and to be improperly withheld by such proprietor, or in respect of any sum of money deposited by the driver in the hands of the proprietor, or in any other case of dispute or complaint between the proprietor of any such vehicle and the driver thereof, upon complaint made in a summary way to any Justice by the proprietor against the driver, or by the driver against the proprietor, the said Justice shall inquire into and determine the same, and order such compensation to be made to either party as to such Justice seems proper.

(d) Disputes between Hirers and Drivers of Cabs.

Agreement to pay more than legal fare not binding.
Ibid., s. 143.

83—(1.) No agreement to pay more than the prescribed fare shall be binding on the hirer of a cab, and he may, notwithstanding any such agreement, refuse on discharging the cab to pay any sum beyond such prescribed fare.

Recovery of excess fare paid.

(2.) If the hirer pays to any proprietor or driver, whether in pursuance of such agreement or not, a sum exceeding the prescribed fare, he shall be entitled on complaint made against such proprietor or driver in a summary way before any Justice to recover the excess so paid.

Disputes as to distance to be determined by Justices, and expense thereof paid as costs.
29 Vict. No. 10, s. 148.

84 Any question touching the distance the driver of a cab is entitled to charge may be determined on a complaint in that behalf preferred before any Justice: and any expense, not exceeding Two Pounds, necessarily incurred in ascertaining such distance shall be deemed to be costs, and be paid as such by the party against whom a decision is given by such Justice.

Provides for persons hiring cabs refusing to pay fare.
Ibid., s. 149.

85 If any person does not pay the proprietor or driver of any cab the sum due to him for the hire thereof, or any toll or ferryage paid by such driver, or if any person defaces or in any manner injures any cab, such proprietor or driver may recover in a summary way before any Justice any sum so due to him for his fare, or for any toll or ferryage paid by him, or for any damage sustained to his cab.

Division VI.—Vehicles carrying Goods.

Interpretation of "cart."

86 The provisions of the Five following Sections apply to vehicles used for the carriage of goods, all and every kind of which vehicles are in the same Sections included in the term "Cart."

Vehicles carrying goods which ply for hire in towns to be licensed.
Ibid., s. 170.

87—(1.) Every carter who plies for hire within any Town in a Municipality with a cart shall obtain the approval of the Mayor, and register his name and place of abode with the Town Clerk, and pay as licence fee such sum not exceeding One Pound (to form part of the Municipal Fund), as for the time being is fixed by the Municipal Council.

Penalty: Five Pounds.

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(2.) The licence to be issued to such carter shall be in force until the Thirty-first day of *December* following the date thereof.

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(3.) Every licensed carter shall keep legibly painted in letters not less than One inch in length and of a proportionate breadth upon the right or off-side of his cart his name and place of abode, the number of his licence, and the words "Licensed Carter."

Licence.

Carter to paint particulars upon vehicle under penalty.

Penalty : Two Pounds.

(4.) No person not being licensed as aforesaid, shall ply with a cart having thereon the words "Licensed Carter," whereby it appears that such vehicle belongs to a person duly licensed as last aforesaid.

Fine of One Pound for personating a licensed carter.

Ibid., s. 171.

88 The Mayor may from time to time, by a notice published in a newspaper generally circulating in the Municipality, appoint proper places within any town to be used as stands upon which the licensed carters may ply with their carts for hire, and may from time to time annul or alter any such notice as he sees fit; and every carter who draws up or stations his cart at any other place than one of such appointed stands, in order to ply for hire, shall be deemed guilty of an offence against this Act.

Appointment of stands.

Ibid., s. 172.

Penalty : Two Pounds.

89—(1.) The Municipal Council may, in the month of *January* in every year, by Regulations to be by them made, fix the several and respective rates to be charged by any licensed carter for the conveying of goods or other articles, distinguishing (if the Municipal Council think it expedient so to do) the rates to be charged by parcel delivery carters from those of other licensed carters, and fix and regulate the distance to which such licensed carters respectively shall be liable to go; and the local authority may from time to time vary and alter the said rates, and fix other rates in lieu thereof.

Municipal Council to determine the rates and distances of carters and parcel delivery carts.

Ibid., s. 173.

(2.) Such rates shall be deemed to be the rates which from and after such publication may be lawfully taken and demanded by licensed carters.

(3.) Any carter who takes or demands any higher rates than those prescribed, or who refuses or neglects between the hours of sunrise and sunset to carry a good and sufficient load, or to employ his horse and cart when thereunto required (unless he be then actually hired by some other person), shall be deemed guilty of an offence against this Act.

Penalty : Two Pounds.

Penalty.

(4.) If any complaint is brought before any Justice touching the distance for which any licensed carter is entitled to charge, such distance may be determined by such Justice as incident to the cause, and any necessary expense, not exceeding Two Pounds, which such Justice thinks fit to incur for ascertaining the same shall be paid as costs by the party against whom a decision is given by such Justice.

Disputes as to distance.

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Punishment of
carters found
guilty of dishonest
and improper
conduct.

Ibid., s. 174.

90 Any Two Justices may deprive of his licence any carter who upon complaint made before them is found guilty of dishonest or improper conduct, or in lieu thereof inflict a penalty not exceeding Five Pounds.

PART VII.**COMMON LODGING-HOUSES.**

Provisions to
apply to suburbs
of Towns.

Ibid., s. 64.

"Common
Lodging-house."
Booth v. Ferrett,
1890, 25 Q.B.D.,
87.

91 The provisions of this Part of this Act shall extend to and apply as well to the suburbs of the Towns affected by this Act as to such Towns themselves.

92 "Common Lodging-house" shall include a house, or part of a house, where persons of the poorer classes are received for gain, and in which they use one or more rooms in common with the rest of the inmates, who are not members of one family, whether for eating or sleeping.

Common Lodg-
ing-houses to be
approved and
registered, and
keepers licensed.
Ibid., s. 66.
Schedule (9.).

93 No person shall keep a Common Lodging-house in any Town, or receive a lodger therein—

- i. Until the same has been inspected and approved by the Municipal Council, or by some person appointed for that purpose by such Council, and has been registered as hereinafter provided : nor
- ii. Unless he is the holder of an annual Licence in the form in the Schedule (9.), to be issued by the Mayor, to keep a Common Lodging-house under this Act, which Licence shall continue in force until the Thirty-first day of *December* then next and no longer, and for which Licence a fee of Five Shillings shall be paid : nor
- iii. Unless his name as the keeper thereof is entered in the register kept under this Act ; and for every such entry a fee of Five Shillings shall be paid by such keeper to such Municipal Council :

Provided always, that should the person so licensed and registered die, his widow, or any adult member of his family, or his executor or administrator, may keep the house as a "Common Lodging-house," for not more than Four weeks after his death, without being licensed and registered as the keeper thereof.

Appropriation
of fees.

94 All fees received for Licences for Common Lodging-houses, and for registration of Common Lodging-houses—

- i. In any Municipality, shall be applied in aid of the Municipal Fund of the Municipality :
- ii. In any District, shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

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95—(1.) Any person desiring to become the holder of a Licence to keep a Common Lodging-house under the provisions of this Act, shall produce to the Municipal Council a certificate signed by some competent person to the satisfaction of such Municipal Council, showing the number of cubic feet of air space contained in each room of the house proposed to be licensed. The said Council may have such certificate verified in such manner as they may think fit.

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Accommodation
in Common
Lodging-houses.
3 Ed. VII. No.
24, s. 3.

(2.) The Municipal Council shall estimate the number of lodgers, inmates, or other persons that may be accommodated in each room in such house, and in making such estimate provision shall be made that not less than Three hundred cubic feet of air space shall be allowed for each lodger, inmate, or other person.

(3.) Every Licence to keep a Common Lodging-house issued under the provisions of this Act shall have endorsed thereon or annexed thereto a statement in accordance with such estimate, specifying the number of lodgers, inmates, and other persons that may be accommodated at any one time in each room of such house. Such statement shall be deemed to form part of the Licence.

(4.) The holder of a Licence to keep a Common Lodging-house shall post up and keep posted up, in some conspicuous place in each room of such house, a copy, in a legible condition, of the statement endorsed on or annexed to his Licence showing the number of lodgers, inmates, and other persons that may be accommodated in each room of such house.

(5.) If at any time more persons are found in any room in any Common Lodging-house than may be lawfully accommodated therein under the Licence, the holder of the Licence of such house shall be deemed guilty of an offence against this Part of this Act.

96 The Municipal Council shall keep a register in which shall be entered the names and residences of the keepers of all Common Lodging-houses within the jurisdiction of the Municipal Council, and the situation of every such house, and the number of lodgers authorised according to this Act to be received therein.

Registers of
Common Lodg-
ing-houses to be
kept.
29 Vict. No. 10,
s. 67.

97 The Municipal Council may refuse to register as the keeper of a Common Lodging-house any person who does not produce to such Council a certificate of character in such form as the Council directs, signed by at least Three resident householders of the Town or the suburbs thereof within which the Lodging-house is situate, respectively occupying premises of the annual value as shown by the Assessment Roll of not less than Forty Pounds.

Refusal to register
Common Lodg-
ing-houses.
Ibid., s. 68.

98 A copy of an entry made in a register kept under this Act, certified by the person having the charge of the register to be a true copy, shall be received in all Courts and before all Justices and on all occasions whatever as evidence, and be sufficient proof of all things therein registered, without production of the register, or of any document, act, or thing on which the entry is founded; and every person applying at a reasonable time shall, on payment of One Shilling, be furnished by the person having such charge with a certified copy of any such entry.

Copy of Register
made evidence.
Ibid., s. 69.

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Supply of water
to Common
Lodging-houses.
Ibid., s. 72.

99 Where it appears to the Municipal Council that a Common Lodging-house is without a proper supply of water for the use of the lodgers, and that such supply can be furnished thereto at a reasonable rate, the Municipal Council may by notice in writing require the owner or keeper of the Common Lodging-house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose; and if the notice be not complied with accordingly, the Municipal Council may remove the Common Lodging-house from the register until it be complied with.

Keepers of
Common Lodg-
ing-houses to
report beggars and
vagrant lodgers.
Ibid., s. 73.

100 The keeper of a Common Lodging-house in which beggars or vagrants are received to lodge, or the person having the care or management thereof, shall, from time to time, if required by any order of the Municipal Council, or of any Police Officer of or above the rank of Sergeant, served on such keeper or person, report to the Council, or to such person as the Council directs, or to such Police Officer, every person who resorted to such house during the preceding day or night.

Inspection of
premises.
Ibid., s. 75.

101 The keeper of a Common Lodging-house, and every other person having or acting in the care and management thereof, shall at all times give free access to such house and any part thereof to all officers of Police of or above the rank of Sergeant, as well as to all persons authorised in writing in that behalf by the Mayor or any Justice.

Offences by
keepers of
Common Lodg-
ing-houses.
Ibid., s. 77.

102 If the keeper of a Common Lodging-house, or any other person having or acting in the care or management thereof, either by commission or omission, offends against any of the provisions of this Part of this Act, every person so offending shall, for every such offence, be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding Two Pounds for every day during which the offence continues.

Conviction for
third offence to
disqualify persons
from keeping
Common Lodg-
ing-houses.
Ibid., s. 78.

103 Where the keeper of a Common Lodging-house, or a person having or acting in the care or management of a Common Lodging-house, is convicted of a Third offence against this Part of this Act, the Justices before whom the conviction for such Third offence takes place may, if they think fit, adjudge that he shall not at any time within Five years of the conviction, or within such shorter period after the conviction as the Justices think fit, keep or have, or act in the care or management of, a Common Lodging-house, without the previous Licence in writing of the Municipal Council, which Licence the said Council may withhold or grant on such terms and conditions as they think proper.

Execution of fore-
going provisions
in Municipalities
and Districts.
Ibid., s. 79.

104 In every Municipality the foregoing provisions relating to Common Lodging-houses shall be executed by the Municipal Council, and in every District the same shall be executed by a Police Magistrate or by Two Justices in Petty Sessions assembled, and in all proceedings thereunder the words "Police Magistrate," or "Two Justices in Petty Sessions assembled," shall be read instead of Municipal Council or Mayor.

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PART VIII.

PLACES OF PUBLIC ENTERTAINMENT.

105 The expression "Public Entertainment" shall mean and include any dramatic entertainment, interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein, or any stage-dancing, ballet, acrobatic performance, tumbling, horsemanship, conjuring, legerdemain, or other performance, entertainment, or exhibition of the like kind.

"Public Entertainment."

Ibid., s. 84.

106—(1.) No person shall act, represent, or perform, or cause or procure any public entertainment to be acted, represented, or performed, whether such acting, representation, or performance is gratuitous or for hire, gain, or reward in any house, room, building, garden, or other place whatsoever not licensed under this Act, to which admission is procurable or procured by payment of money, or by tickets either transferable or not transferable, or by any other means, promise, token, or consideration as the price, hire, or rent of admission, or of places, seats, or boxes therein for the day, week, month, or year, or for any less or longer time.

Public entertainments prohibited in unlicensed places.

Ibid., s. 85.

Penalty : Fifty Pounds.

(2.) The owner or occupier of any house, room, building, garden, or other place whatsoever not licensed under this Act shall not take or receive, or cause or procure to be taken or received, any money, goods, or valuable thing whatsoever by way of rent, fee, or reward for the use or hire thereof for the purposes of any public entertainment, or permit or suffer the same to be so used and applied.

Penalty : Fifty Pounds.

107 This part of this Act shall not apply to any public entertainment held in any State school building, *Sunday* school building, church, chapel, or other place for Divine worship (which is Two miles or more from any licensed place of public entertainment).

Saving of school buildings and places of worship.

108 If a licence for a place of public entertainment is granted in any Municipality or District in respect of any tent, booth, or other moveable structure, such licence shall, until the expiration thereof, be deemed to be in full force and effect throughout such Municipality or District.

Provision for travelling shows

109—(1.) All Licences for keeping places of public entertainment shall—

Issue of licences for places of public entertainment.

Ib d., s. 86.

i. In each Municipality, upon application to and approval by the Municipal Council, be granted by the Mayor :

ii. In each District, be granted by Two Justices sitting in Petty Sessions.

(2.) Every such Licence shall continue in force until the Thirty-first day of *December* then next and no longer.

(3.) Every such Licence shall be in the form in the Schedule (10.).

Schedule (10.).

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Fee for Licence.

Ibdi., s. 87.

110—(1.) There shall be paid to the Town Clerk of any Municipality in respect of any Licence for keeping a place of public entertainment granted in such Municipality such sum, not exceeding Two Pounds, as for the time being is in that behalf fixed by the Municipal Council of the Municipality; and all such fees shall form part of the Municipal Fund.

(2.) There shall be paid to the Clerk of Petty Sessions in respect of any Licence for keeping a place of public entertainment in any District the sum of Two Pounds; and all such fees shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

(3.) Where any Licence for keeping a place of public entertainment is granted after the Thirtieth day of *June* in any year, the fee for such Licence shall be One-half of the fee mentioned in this Section.

No person to keep any place for dancing, music, &c., unless licensed.

Ibdi., s. 89.

111 No person in any Town or within Twenty miles thereof shall keep any house, room, building, garden, or other place whatsoever for public dancing, music, or other amusement of the like kind, unless the same is licensed under this Act.

Penalty : Fifty Pounds.

Issue of Licences for places for dancing, music, &c.

Ibdi., s. 90.

112—(1.) All Licences for keeping any house, room, building, garden, or other place whatsoever for public dancing, music, or other amusement of the like kind shall—

- i. In each Municipality, upon application to and approval by the Municipal Council, be granted by the Mayor : and
- ii. In each District, be granted by Two Justices sitting in Petty Sessions in such District.

(2.) Every such Licence shall continue in force until the Thirty-first day of *December* then next and no longer.

Schedule (11.).

(3.) Every such Licence shall be in the form in the Schedule (11.).

Fee for Licence.

Ibdi., s. 91.

113—(1.) There shall be paid to the Town Clerk of any Municipality, in respect of any Licence granted under the last preceding Section in any Municipality, such sum not exceeding One Pound as for the time being is in that behalf fixed by the Municipal Council; and all such fees shall form part of the Municipal Fund.

(2.) There shall be paid to the Clerk of Petty Sessions, in respect of any Licence granted under the last preceding Section in any District, the sum of One Pound, and all such fees shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

(3.) Where any Licence is granted under the last preceding Section after the Thirtieth day of *June* in any year, the fee for such Licence shall be One-half of the fee mentioned in this Section.

Accommodation in places of public entertainment, &c.

3 Ed. VII. No. 24, s. 4.

114—(1.) Any person desiring to become the holder of a Licence for keeping a place of public entertainment, or a place for public dancing, music, or other amusement of the like kind under the provisions of the said Act, shall produce to the authority empowered to issue the Licence a certificate signed by some competent person to the satisfaction of such

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authority, showing the number of cubic feet of air space contained in such part of the premises proposed to be licensed as is occupied or intended to be occupied by the audience or public, and the amount of seating accommodation provided in each part of such premises to which the audience or public is admitted. The said authority may have such certificate verified in such manner as such authority thinks fit. A.D. 1905.

(2.) The said authority shall estimate the number of persons that may be admitted to each part of such premises, and in making such estimate provision shall be made that not less than One hundred and fifty cubic feet of air space shall be allowed for each person allowed to be present in the part or parts of such premises to which the audience or public is admitted, and that not more persons may be admitted to any part of such premises than the number for whom seating accommodation is provided.

(3.) Every Licence for keeping a place for public entertainments, or a place for public dancing, music, or other amusement of the like kind, shall have endorsed thereon or annexed thereto a statement in accordance with such estimate, specifying the number of persons that may be admitted to or allowed to remain in each part of the premises at any one time.

(4.) The holder of a Licence to keep a place of public entertainment, or a place for public dancing, music, or other amusement of the like kind, shall post up and keep posted up, in each part of such place to which the audience or public is admitted, a copy in a legible condition of the statement endorsed on or annexed to his Licence, showing the number of persons that may be admitted to or allowed to remain in each part of the premises at any one time.

Penalty : Ten Pounds.

(5.) If at any time more persons are found in such premises or in any part thereof than may be lawfully admitted or allowed to remain therein under the Licence granted in respect of such premises, the occupier or tenant for the time being of such premises shall be guilty of an offence against this Act.

Penalty : Ten Pounds.

115 There shall be affixed and kept up in some conspicuous place over the outer door or entrance of every such house, room, building, garden, or other place kept for the purpose of any public entertainment, or for the purpose of public dancing, music, or other amusement of the like kind and licensed under this Act, an inscription in large capital letters, not less than Two inches in length and of a proportionate breadth, in the words following—" Licensed pursuant to 'The Police Act, 1905.' "

Inscription to be made on licensed houses.

29 Vict. No. 10, s. 92.

116—(1.) Every unlicensed house, room, building, garden, or other place whatsoever wherein any public entertainment is acted, represented, performed, or done, or any exhibition is exhibited, or which is kept or used for any public dancing, music, or other amusement of the like kind, Police empowered to clear out unlicensed places.

Ibid., s. 93.

Police.

A.D. 1905.

shall be deemed to be a disorderly house, room, building, garden, or other place.

(2.) It shall be lawful for any Superintendent or Sub-Inspector of Police, by warrant under the hand of any Justice, to enter any such house, room, building, garden, or place, and to turn out all persons found therein.

Definition of
keeper of un-
licensed house,
&c.

29 Vict. No. 10,
s. 94.

117 Any person who appears, acts, or behaves himself as master, or as the person having the care, government, or management of any such disorderly house, room, building, garden, or other place whatsoever, shall be deemed and taken to be the keeper thereof, and shall be liable to punishment as such notwithstanding that he is not the legal owner or keeper thereof.

Penalty for
holders of certain
Licences per-
mitting disorderly
conduct on
premises.

1 Ed. VII. No
42, s. 13.

118—(1.) The holder of a Licence for keeping a place of public entertainment or a place for public dancing, music, or other amusement of the like kind granted under the provisions of this Act, shall not, during the continuance of such Licence, permit any drunken person to remain on the said premises, or permit any fighting, tumult, or impropriety of behaviour to take place thereon or therein.

Penalty : Twenty Pounds.

(2.) The occupier or lessee for the time being of such premises shall not, during the continuance of his occupation or lease, permit any drunken person to remain on the said premises, or permit any fighting, tumult, or impropriety of behaviour to take place thereon or therein.

Penalty : Twenty Pounds.

Smoking
prohibited by
notice in licensed
places.

119—(1.) No person shall smoke tobacco or any like substance in any part of any place of public entertainment, or of any place for public dancing, music, or other amusement of the like kind, where, by a notice or notices affixed or set up in some conspicuous position, the holder of the licence may prohibit smoking in such place or any part thereof.

Penalty : Five Pounds.

(2.) The holder of the licence for such place, or his servants, or any Constable, may eject from such place any person offending against the provisions of this Section.

Sunday entertain-
ments prohibited.
W.A. 2 Ed. VII.
No. 31, s. 9.

120—(1.) Any person who—

- i. Keeps, opens, or uses any premises for public entertainment or for public dancing, or other amusement of the like kind on any *Sunday*, or during any part of any *Sunday* : or
- ii. Being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, for any such purpose—

shall be deemed guilty of an offence against this Act.

Penalty : Fifty Pounds.

(2.) Any lecture, address, or discussion on science, ethics, social duties, religion, literature, or art, or on any matter of public interest,

Police.

shall not be deemed a public entertainment or amusement within the meaning of this Section. A.D. 1905.

(3.) Any musical entertainment for which a charge for admission is made shall be deemed to be a public entertainment or amusement within the meaning of this Section.

PART IX.**SLAUGHTER OF ANIMALS.**

121 This part of this Act shall extend and apply to every District and to every Municipality not being a City. *Application of this Part of Act. 29 Vict. No. 10, s. 95.*

122 The Governor is hereby empowered to appoint during pleasure an Inspector of Stock in and for any District or part of a District; and in every Municipality the Municipal Council is hereby empowered to nominate and appoint, during pleasure, an Inspector of Stock in and for such Municipality or any part thereof. *Appointment of Inspector of Stock. Ibid., s. 96.*

123 It shall not be lawful for any person to slaughter or cause to be slaughtered for sale any animal, or to sell or cause to be sold the carcase of any animal or any meat, unless he is the holder of a Slaughtering Licence under this Act. *No person to slaughter animals or sell meat unless licensed. 29 Vict. No. 10, s. 97, 102.*

124 No person, not being the holder of a Slaughtering Licence issued by the Board of a Town proclaimed under "The Town Boards Act, 1896," may sell in such Town any meat as the food of man unless such meat be the carcase of an animal slaughtered at the abattoirs of the said Board, or be the carcase of an animal which has been inspected by an Inspector of the said Board, and in respect of which the prescribed fee has been paid, and unless he otherwise complies with the provisions of any By-laws made by such Board. *All meat sold in a Town to be subject to the Town Laws. 60 Vict. No. 31. 64 Vict. No. 58, s. 2.*

Provided, that when the Board of such a Town shall have provided a public abattoir, it may cease to issue Slaughtering Licences.

Penalty : Twenty Pounds.

125 Every Slaughtering Licence to be granted under this Act in— *Issue of Slaughtering Licences. 29 Vict. No. 10, s. 98.*

- i. Any District, shall be granted by any Two Justices sitting in Petty Sessions in such District, who shall charge and receive for the same the sum of Five Shillings :
- ii. Any Municipality shall be granted by the Mayor, who shall charge and receive for the same such sum not exceeding Five Pounds as for the time being is in that behalf fixed by the Municipal Council of such Municipality.

126 All fees received for Slaughtering Licences—

- i. In any District, shall be paid into the Treasury and form part of the Consolidated Revenue Fund :

Appropriation of Licence Fees. Ibid., s. 99.

Police.

A.D. 1905.

II. In any Municipality, shall be applied in aid of the Municipal Fund of the Municipality.

Form and duration of Licence. Schedule (12.).
Ibid., s. 100.

127 Every Slaughtering Licence shall be in the form in the Schedule (12.), and shall, without reference to the time when granted, expire on the Thirty-first day of *December* next ensuing the date thereof.

Animals not to be slaughtered for sale without notice to Inspector.

128 No person being the holder of a Slaughtering Licence shall—

I. Slaughter, or cause to be slaughtered, any animal for sale without giving sufficient notice of his intention so to do to the Inspector of Stock, to enable such Inspector to inspect such animal, and affording opportunity and permission to such Inspector to inspect such animal before the same is slaughtered : or

II. Refuse or neglect to state to such Inspector, upon being by him requested so to do, the name and residence as well of the owner of any such animal as of the person from whom he received the same.

Penalty : Twenty Pounds.

Name of owner, &c., of animals to be stated on demand.
Ibid., s. 103.

Animals not to be exported without notice to Inspector.
29 Vict. No. 10, s. 104.

129 No person shall—

I. Ship or cause to be shipped on board any vessel any animal without giving sufficient notice of his intention so to do to the Inspector of Stock to enable such Inspector to inspect such animal, and affording opportunity and permission to such Inspector to inspect such animal before the embarkation thereof : or

II. Refuse or neglect to state to such Inspector, upon being by him requested so to do, the name and residence as well of the owner of any such animal as of the person from whom he received the same.

Penalty : Fifty Pounds.

Name of owner, &c., of animals to be stated on demand.

Animals to be yarded to enable Inspector to inspect.
Inspector may brand animals on inspection.
Ibid., s. 105.

130 Every person who gives any notice to the Inspector of Stock for the purpose of enabling such Inspector to inspect any animal, shall yard such animal so as to enable such Inspector properly and effectually to inspect the same ; and it shall be lawful for such Inspector, upon his inspecting any animal, to brand or otherwise mark such animal so as to enable him to recognise the same.

Penalty : Twenty Pounds.

Fees to be taken by Inspector.
Ibid., s. 106.

131—(1.) The Inspector of Stock may demand and receive for inspecting each head of cattle the sum of Sixpence, and for inspecting each score of sheep the sum of Tenpence, and so in proportion for a less number ; and no Inspector of Stock shall demand or receive any higher fees over and above the amount of such charges.

Penalty : Fifty Pounds.

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(2.) The person giving notice to the Inspector shall, immediately upon demand, pay the amount of such charges. A.D. 1905.

Penalty : Five Pounds.

132 If the Inspector of Stock has reasonable cause of suspicion that any animal he is inspecting has been stolen, it shall be lawful for such Inspector to seize and detain such animal; and he is hereby directed forthwith to report any such seizure, and the grounds thereof, to the Mayor of the Municipality or some Justice residing in the District in which such animal is seized, who shall thereupon make such order in the matter as the justice of the case may require.

Inspector may seize animals suspected to be stolen.

Ibid., s. 111.

133 Nothing in this Act contained shall extend to or affect any person who slaughters or causes to be slaughtered any animal for the consumption of his family, servants, or workmen, or shall extend to or affect any person in respect of any animal slaughtered in any case where humanity enjoins its immediate death: Provided that in every such case as last aforesaid the person slaughtering such animal shall, as soon as possible afterwards, give notice thereof to the Inspector of Stock, and shall, if required so to do, produce the ears and entire skin of such animal to such Inspector.

Act not to affect persons slaughtering animals for their own use, or any case where humanity demands the death of any animal.

Ibid., s. 112

PART X.**NUISANCES AND OBSTRUCTIONS.**

134 The owner or usual keeper of any bull, ram, or stallion found in any public place without being under the immediate custody or control of some competent person, shall be deemed guilty of an offence against this Act, unless he shall prove to the satisfaction of the Court that the presence of such animal in such public place was not due to the negligence of himself, his servants, or agents.

Penalty for certain animals being at large.
63 Vict. No. 33,
s. 5.

Penalty : Twenty Pounds.

135 The owner or usual keeper of any animal, other than a bull, ram, or stallion, found grazing or straying in any public place, within any Town, except in such part of any public place as passes through unenclosed ground, shall be deemed guilty of an offence against this Act, unless—

Penalty on owner of other straying animals.

Ibid., s. 4.

64 Vict. No. 57,
s. 4.

- I. He shall prove to the satisfaction of the Court that the presence of such animal in such public place was not due to the negligence of himself, his servants, or agents: or
- II. Such animal, being a milch cow or heifer, is in such public place in accordance with any By-laws or Rules made by the Municipal Council or the Trustees of a Road District under the provisions of this or any other Act.

Penalty : One Pound.

Police.

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Animals straying
on streets of
Towns may be
impounded.

29 Vict. No. 10,
s. 178.

136—(1.) It shall be lawful for any person to seize and impound, in the Pound nearest to where it is found, any animal found wandering, straying, or lying on, or by the side of, any street in any Town, except on such part of any street as passes through unenclosed ground; and every such animal so impounded shall be there detained till the costs and charges of impounding and keeping the same are paid by the owner.

(2.) If such costs and charges are not paid within the time allowed by law in other cases of impounding animals, the Poundkeeper may sell the animal so impounded, after giving such notice as by such law is in that behalf required; and after deducting the costs and charges of impounding, keeping, and selling such animal out of the proceeds of sale, shall pay the overplus, if any, to the owner on demand; and if not demanded within Two months after sale, such overplus shall be paid to the Municipal Fund of the Municipality, or if such animal was not seized within a Municipality, then to the Trustees of the Road District within which the animal impounded was seized.

(3.) Any milch cow or heifer grazing or running in any street in a Town, in accordance with the provisions of any By-laws or Rules made by the Municipal Council or the Trustees of a Road District under the provisions of this or any other Act, shall not be liable to be impounded under this Section.

Profane, obscene,
threatening, or
abusive language
in public place.

29 Vict. No. 10,
s. 179.

31 Vict. No. 18,
s. 1.

52 Vict. No. 41,
s. 6.

137 No person shall, in any public place, or within the hearing of any person passing therein—

- i. Curse or swear : or
- ii. Sing any profane or obscene song : or
- iii. Use any profane, indecent, obscene, or blasphemous language : or
- iv. Use any threatening, abusive, or insulting words or behaviour with intent or calculated to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

Penalty : Five Pounds, or Fourteen days imprisonment.

Breach of peace,
setting a dog to
attack, furious
riding in public
places.

29 Vict. No. 10,
s. 179.

138 No person shall, in any public place, to the obstruction, annoyance, or danger of the residents or passengers—

- i. Disturb the public peace : or
- ii. Set on or urge any dog or other animal to attack, worry, or put in fear any person or animal : or
- iii. Ride or drive furiously any horse or vehicle, or drive furiously any cattle : or
- iv. Wantonly discharge any firearm or throw any stone or other missile.

Penalty : Five Pounds, or Fourteen days imprisonment.

Ibid., s. 180.

Insulting
behaviour or
committing
nuisance in public
place.

Ibid., s. 179.

139 No person shall in any public place—

- i. Jostle, insult, or annoy any person passing thereon : or
- ii. Commit any nuisance.

Penalty : Five Pounds, or Fourteen days imprisonment.

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140 Any constable may arrest, with or without warrant, and forthwith convey before a Justice, any person who within his view commits in a public place any of the offences specified in the preceding Three Sections.

A.D. 1905.

Power for constable to arrest.

Ibid., s. 179.

141—(1.) It shall not be lawful for any person, in any street in any Town, to—

Penalty on persons committing any of the offences herein named.

Ibid., s. 180.

Selling, exhibiting, or doctoring animals.

i. Expose for show, hire, or sale (except in a market or market-place lawfully appointed for that purpose) any animal, or exhibit in a caravan or otherwise any show or public entertainment, or shoe, bleed, or doctor any animal (except in cases of accident), or clean, dress, exercise, train, or break or turn loose any animal, or make or repair any part of any vehicle (except in cases of accident where repair on the spot is necessary): or

Slaughtering animals in streets.

ii. Slaughter or dress any animal, or any part thereof, except in the case of any animal over-driven which may have met with any accident, and which for the public safety or other reasonable cause ought to be killed on the spot: or

iii. Having the care of any carriage or vehicle wilfully cause any hurt or damage to any person or property being in or upon any street: or

Injuring persons or property with vehicles.

iv. Cause any public carriage, truck, or barrow, with or without horses or any beast of draught or burden, to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except cabs and other licensed vehicles standing for hire in any place appointed for that purpose under the provisions of this Act), or by means of any vehicle, truck, or barrow, or any animal or other means, wilfully interrupt any public crossing, or wilfully cause any obstruction in any public footpath or other public thoroughfare: or

Causing vehicles to stand in or obstruct streets.

v. Cause any tree or timber, iron beam, stone, or other thing to be drawn or hauled otherwise than upon a wheeled vehicle, or suffer any such matter or thing which is carried principally or in part upon a wheeled vehicle to drag or trail upon any road or street to the injury thereof, or to hang over any part of any such vehicle so as to occupy or obstruct the road or street beyond the breadth of such vehicle, or cause such thing to be drawn in or upon any vehicle without having sufficient means of safely guiding the same: or

Causing goods carried on vehicles to trail on streets or project beyond breadth of vehicles.

vi. Lead or ride any animal, or draw or drive any vehicle, truck, or barrow, upon any footway of any such street, or fasten any animal so that it stands across or upon any footway: or

Animals and vehicles on footways.

vii. Place or leave any furniture, goods, wares, or merchandise, or any box, cask, tub, basket, pail, or bucket, or places or uses any standing-place, stool, bench, stall, or show-board

Goods on streets and projections over streets.

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A.D. 1905.

Goods exposed
over streets so as
to obstruct foot-
way.

Writing on or
defacing
buildings, fences,
or footpaths.

Certain things
not to be carried
on footways.

Clothes line over
streets.

Fires or fireworks
in streets.

Flying kites.

Building
materials in
streets.

Beating carpets
after Eight A.M.
Materials thrown
from buildings.

Cellars and other
excavations to be
covered.

on any carriage-way or footway, or place any blind, shade, covering, awning, or other projection over or along any such carriage-way or footway, unless such blind, shade, covering, awning, or other projection is Seven feet in height at least in every part thereof from the ground, and the posts supporting the same are placed close up to the curb-stone or outer edge of such footway : or

- viii. Place, hang up, or expose to sale any goods, wares, merchandise, matter, or thing whatsoever, outside any shop, door, or window, or so that the same projects into or over any footway, or beyond the line of any house, shop, or building at which the same are so exposed, so as to obstruct or incommode the passage of any person over or along such footway : or
- ix. Write upon, soil, deface, or mark any wall, fence, hoarding, footpath, or building with chalk or paint, or in any other way, or without authority, affix or cause to be affixed to any church, chapel, or school-house, or without the consent of the owner or occupier to any other building, or to any wall, fence, or hoarding, any bill or other notice, or wilfully break, destroy, or damage any part of such wall, fence, hoarding, or building, or any tree, shrub, seat, or other thing : or
- x. Roll or carry any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, log of wood, basket, board, or tray, upon any footway, except for the purpose of loading or unloading any vehicle, or of crossing the footway : or
- xi. Place any line, cord, or pole across, upon, or over any part of any such street, or hang or place any clothes thereon, or on the outside of any window fronting any such street : or
- xii. Wantonly make any fire or bonfire, or throw, let off, or set fire to any firework : or
- xiii. Fly any kite, or use any bow or arrow, or trundle any hoop : or
- xiv. Hew, saw, bore, or cut any timber or stone, or slack, sift, or screen any lime, or throw or lay down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials so enclosed as to prevent mischief to passengers) ; or
- xv. Beat or shake any carpet, rug, or mat, except between midnight and Eight o'clock in the morning : or
- xvi. Throw from the roof or any part of any building any slate, brick, wood, rubbish, or other thing : or
- xvii. Leave open any well, vault, or cellar, or the entrance from any street to any cellar or room underground, without a sufficient covering, fence, or handrail, or leave defective the door, window, or other covering, or any fence of any well, vault, or cellar, or not sufficiently fence any excavation, area, pit, or sewer left open, or leave open such area, well, excavation, pit, or sewer without a sufficient

Police.

light after sunset to warn and prevent persons from falling therein : or

xviii. Place or throw upon any footpath any orange-peel, fruit skin, or other thing likely to cause danger to passengers : or

xix. Throw or lay any dirt, litter, or ashes or nightsoil, or any carrion, fish, offal, or rubbish, slops, or any other such matter or thing, or dirty water, on any street, or cause or allow any matter, solid or liquid, to fall or run on any such street : Provided always, that it shall not be deemed an offence to lay litter or other suitable materials to prevent noise in case of sickness, if the party laying any such things causes them to be removed as soon as the occasion for them ceases : or

xx. Keep any swine or pigsty within Fifty feet of any such street. Penalty : Five Pounds.

(2.) Any Constable may seize and detain in some place of safety any animal or vehicle in charge of any person who within his view commits any such offence, and the owner of such animal or vehicle shall be liable for all costs, charges, and expenses incurred thereby or in providing food for any animal so seized and detained. and the same may be recovered in a summary way ; and such owner, if master of the person found committing any such offence, may, in like manner, recover from such person all sums of money paid by such owner as aforesaid.

(3.) If any rubbish, lead, iron, wood, goods, commodities, or other article, matter, or thing whatever, is placed or allowed to remain in any such street, to the obstruction, annoyance, or danger of the residents or passengers, it shall be lawful for any Constable to remove or cause the same to be immediately removed and carried to any place of safety, and to detain the same until the expense of removal and detention are paid ; and if such expense shall not be paid within Seven days, to sell or dispose of the same, and apply the proceeds as the Mayor of the Municipality or two Justices in a District direct.

142 No person shall spit on the floor, side, or wall of any public conveyance, or of any public hall, Court of Justice, public waiting-room, or place of public entertainment, whether admission be obtained from payment or not.

Penalty : Two Pounds.

143 If any person having the care of any waggon, cart, carriage, or other vehicle in or upon any public place, shall—

i. Without having reins with a bit attached thereto and in the mouth of the animal drawing the same, and holding such reins, ride upon such vehicle, or any animal drawing the same : or

ii. Be at such a distance from such vehicle, or in such a position therein, as not to have due control over every animal drawing the same : or

A.D. 1905.

Orange-peel on footpaths.

Eng., 55 & 56 Vict. c. 55, s. 380.

Rubbish not to be thrown in street.

Pigs not to be kept within 50 feet of streets.

Constables may detain animals, &c., in charge of persons committing offences.

Penalty for spitting in certain places.

L.C.C. By-laws, 10 July, 1903.

Penalty on persons committing any of the offences herein named.

45 Vict. No. 22, s. 2.

Police.

A.D. 1905.

- iii. In meeting any other vehicle not keep his vehicle to the left or near side, or in passing any other vehicle not keep his vehicle on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation): or
- iv. By obstructing any such public place wilfully prevent any person or vehicle from passing him, or any vehicle under his care: or
- v. At one time drive more than one waggon or two carts: or
- vi. When driving two carts have the halter of the horse in the last cart not securely fastened to the back of the first cart, or have such halter of a greater length from such fastening to the horse's head than Four feet—

he shall be deemed guilty of an offence against this Act.

Penalty : Two Pounds.

Penalty on persons committing certain offences.

1 Ed. VII. No. 42, s. 4.

144 Every person who, to the obstruction, annoyance, or danger of the residents or passengers, wantonly throws or propels any stone or other missile, or throws, lets off, or sets fire to any firework in, from, on to, across, or over any public place shall be liable on conviction to a penalty not exceeding Five Pounds.

Temporary diversion of traffic.

1 Ed. VII. No. 42, s. 10.

145—(1.) Whenever and so often as, in the opinion of the Commissioner of Police, it is expedient so to do, he may, with the consent of the Mayor, if any, temporarily prohibit or divert, or cause to be temporarily prohibited or diverted, all or any part of the traffic upon or from any street in any Town.

(2.) Provided that he shall, whenever it is practicable, give public notice in some newspaper or newspapers generally circulating in such Town of his intention so to do.

(3.) Any person who disobeys or fails to comply with any direction given in pursuance of this Section, shall be deemed guilty of an offence against this Act.

Penalty : Five Pounds.

Street may be closed temporarily to traffic.

Ibid., s. 11.

146—(1.) Any Constable in the execution of his duty may close any street in any Town to traffic during any temporary obstruction with danger to traffic, or for any temporary purpose, and may prevent the traffic or any particular kind of traffic of any vehicles or horses in any street closed to traffic under the authority of this or any other Act; and no person shall disobey or neglect to comply with any direction of a Constable made in pursuance of this Section.

Penalty : Five Pounds.

Drivers to give name or address.

(2.) Any person committing any offence against this Section shall, when required by a Constable in the execution of his duty under this Act, state his true name and place of abode.

Penalty : Five Pounds.

*Police.***147**—(1.) No person shall—

I. Cause or permit any vehicle to be driven in any public place by : or

II. Put a vehicle or animal drawing the same temporarily in charge of—

a person not of the full age of Thirteen years.

Penalty : Two Pounds.

(2.) This Section shall not apply to bicycles or tricycles.

A.D. 1905.

Persons under
Twelve not to be
in charge of
vehicle.*Ibid.*, s. 182.**148** Every person guilty of any violent, riotous, or indecent behaviour in any public place, or in any Police Office, Police Office yard or enclosure, Police Station-house, or Police Station yard, shall be liable on conviction to a penalty not exceeding Five Pounds for every such offence, or, in the discretion of the convicting Justice, to imprisonment for a period not exceeding Fourteen days.Penalty on
persons guilty of
riotous or indecent
behaviour.*Ibid.*, s. 183.**149** The proprietor or driver of every vehicle which is propelled or driven after sunset and before sunrise in any public place shall, except on clear moonlight nights, cause such vehicle to be provided with at least One proper lamp, which shall be lighted and kept lighted while such vehicle is so driven or propelled, and which lamp, or one of such lamps if more than One, shall be carried on the off or right side of such vehicle.Vehicles to carry
lamps after sun-
set.1 Edw. VII. No.
12, s. 5.

Provided that, in the case of a bicycle, tricycle, or motor-cycle, such lamp may be carried on any part of such vehicle where the light from the lamp shall be visible from vehicles approaching such bicycle, tricycle, or motor-cycle.

Penalty : Two Pounds.

150 No person shall leave or place any vehicle upon a street, highway, or road after sunset and before sunrise, except on clear moonlight nights, without having a lamp properly lighted, and kept lighted till half an hour before sunrise, fixed upon that part of the vehicle which is nearest the centre of the street, highway, or road.All vehicles left
on roads between
sunset and sunrise
to have a lamp.1 Ed. VII. No.
42, s. 5 (2.).

Penalty : Two Pounds.

151 No street musician, after having been required by any householder or occupier of any premises, personally, or by his servant, or by any constable, to depart from the neighbourhood of the house or premises of such householder or occupier on account of the illness of any inmate of such house or premises, or for other reasonable cause, shall afterwards sound or play upon any musical instrument in any street near such house or premises.Penalty on street
musicians not
departing when
desired so to do.N.S.W. No. 5 of
1901, s. 13.

Penalty : Two Pounds.

PART XI.

IMPROVEMENT OF TOWNS.

152 The paving, draining, cleansing, lighting, and all other matters contained in this part of this Act relating to the good order of anyGeneral power to
Municipal
Council to do all

Police.

A.D. 1905.

things necessary
for effectuating
the health and
improvement of
Towns.

Ibid., s. 184.

Town in any Municipality, and the comfort of its inhabitants, shall be under the order, control, and management of the Municipal Council; and such Council shall have power and authority, and is hereby empowered, authorised, and required, to make such regulations, to take such measures, to execute such works, to make such contracts, and to do and perform, and to cause to be done and performed, all such acts, matters, and things as may be necessary for effectuating the several purposes of this part of this Act.

Governor may
appoint Town
Surveyors in
Districts.

Ibid., s. 185.

153 The Governor may appoint such fit and proper persons as and to be the Town Surveyors of such Towns in such Districts as he sees fit, and may remove any such Town Surveyor and appoint another in his place.

Municipal
Council to appoint
Surveyors.

Ibid., s. 186.

154 The Municipal Council of each Municipality is hereby empowered to appoint a person, duly qualified, to act as Surveyor of the paving, drainage, and other works duly authorised by this or any other Act relating to the improvement of any Town comprised within the Municipality who shall be called the Surveyor of such Town, and to fix the salary to be paid to such Surveyor, and to pay such salary out of the funds of the Municipality; and every such Surveyor shall be removable by the Municipal Council.

Formation of
streets to be under
the control of the
Municipal
Council.

Ibid., s. 188.

155 The construction, formation, repair, maintenance, and ordering of all streets, pavements, and other public places within any Town shall be wholly under the management and direction of the Municipal Council, and the same shall be performed and carried on under the superintendence of the Surveyor.

Streets may be
opened.
29 Vict. No. 10,
s. 189.

156 When and as often as it may be necessary for any of the purposes in this Act contained, it shall be lawful for the Municipal Council to cause to be dug up, opened, and excavated any street or public place within any Town, and to stop the thoroughfare thereof.

Streets to be kept
in repair.

Ibid., s. 190.

157 It shall be lawful for the Municipal Council when and as often and in such manner as such Council thinks proper and necessary—

- i. To order and cause the several streets and public places within any Town to be altered, widened, diverted, turned, or extended, paved, flagged, macadamised, or otherwise constructed, improved, repaired or amended, supported, and kept in good order and condition, with such materials as the Municipal Council thinks proper: and
- ii. To cause the pavements, flagging, or other materials of such streets to be taken up and relaid or renewed, and the ground and soil thereof to be raised, lowered, or altered in such manner and with such materials as the Municipal Council deems proper or directs: and
- iii. To cause proper and convenient sewers, gutters, drains, and water-courses to be made along or under such streets for

Police.

carrying off water, mud, or other filth from the same: and to cause grates to be placed over any such sewer, gutter, drain, or water-course, and to remove, renew, alter or vary the situation of any such grate now placed, or hereafter to be placed.

A.D. 1905.

158 It shall be lawful for the Municipal Council to erect and set up in any street within any Town such posts, stones, or fences as the Council may deem necessary for the purpose of preserving any footway clear from accident or annoyance by vehicles or animals; and also to cause the removal of all or any posts, stones, or fences in any such street which the Municipal Council may deem to be obstructions to the free passage along the same.

Setting up posts
to guard footways.
Ibid., s. 191.

159 If any street not being a public highway at the time of the commencement of this Act shall then or thereafter be paved, flagged, or otherwise made good to the satisfaction of the Municipal Council, then, on the application of a majority in value of the occupiers of the lands and buildings in such street, the said Council shall by writing under the Common Seal declare the same to be a public highway, and thereupon the said street shall become a public highway, and shall thereafter be repaired by the said Council out of the Rates levied under this Act; and such Declaration shall be entered among the Proceedings of the said Council, and Notice of such Declaration shall be published in the *Gazette*, and in a public newspaper generally circulating in the Municipality.

Future streets
may be declared
highways.
Ibid., s. 192.

160—(1.) If any street, whether the same is or is not a public highway at the time when this Act takes effect, has not theretofore been well and sufficiently made, formed, paved, or flagged, or otherwise made good, the Municipal Council may, on the application of Two-thirds in number of the owners of the lands abutting on such street, cause such street, or the parts thereof not so made, formed, paved, or flagged, or otherwise made good, to be made, formed, paved and flagged, and otherwise made good, in such manner as the said Council thinks fit.

Streets may be
repaired at ex-
pense of owners of
adjoining lands
on application of
the majority.
Ibid., s. 193.

(2.) The expenses incurred by the Council in respect thereof shall be repaid to the Council by the owners of the lands abutting on such street, by contributions from such owners proportionate to the annual value, as shown by the Assessment Roll, of their respective lands; and in default of payment of his contribution by any owner of such lands on demand, the same may be levied by distress and sale of his goods and chattels, in the same manner as any Municipal Rate may be recovered; and thereafter such street shall be repaired by the Council out of the Rates levied under this Act.

(3.) If such street is not a public highway, the same shall thereupon be declared by the Municipal Council to be a public highway in the manner hereinbefore provided.

Police.

A.D. 1905.

Municipal Council may allow time for repayment of expenses by owners.

29 Vict. No. 10, s. 194.

161 Where any such expenses payable to the Municipal Council by any owner of any such lands amount to more than half the amount of the annual value of such lands, as shown by the Assessment Roll, the Municipal Council may, if it thinks fit, at the request of any such owner, allow time for the repayment of such expenses, and receive the same by such instalments, and upon such terms as to interest or otherwise, as the Council, under the circumstances of the case, considers reasonable; but all such sums remaining due, and the interest, if any, shall, notwithstanding the Council has agreed to allow any time for the repayment of such sums as aforesaid, from time to time, at the expiration of the several times so allowed for repayment thereof be recoverable in like manner as such respective amounts would have been recoverable if no such time had been allowed for repayment thereof.

162 If any person—

Wilful injuries to streets.

Ibid., s. 195.

- I. Wilfully or maliciously, or by negligence, breaks up, injures, destroys, or otherwise damages the flagging or pavement or the footway or carriage-way of any street within any Town: or
- II. Wilfully or negligently breaks, injures, destroys, chokes up, or otherwise damages any sewer or drain, or any grating, or any post, stone, or fence for preserving any footway from interference or damage as aforesaid, or any building, wall, or other work of the Municipal Council, or any materials used or provided by the Council for any work: or
- III. Without the permission in writing of the Mayor or Town Surveyor, takes or breaks up or lays down the soil of, or any pavement, curbstone, or other material in or upon, any such street: or
- IV. Without such permission makes any drain leading into any such street, or puts or places, or causes to be put or placed, any pipe, or makes any drain, leading into any such sewer or drain or other work of the Council: or
- V. Without such permission erects any hoard or scaffolding for building or otherwise in or upon, or makes any excavation, vault, or cellar in or beneath, any such street:

Taking up pavements, &c., without permission.

he shall for any such offence forfeit and pay a penalty not exceeding Ten Pounds, and shall also make full satisfaction, to be ascertained by the Court, for the injury done thereby.

Mayor or Surveyor to grant permission to take up pavements, &c.
29 Vict. No. 10, s. 196.

163—(1.) It shall be lawful for the Mayor or Town Surveyor to grant permission in writing to any person—

- I. To take or break up or lay down the soil of, or any pavement, curbstone, or other material in or upon, any such street: or
- II. To make any drain leading into any such street: or
- III. To put or place any pipe, or make any drain, leading into any such sewer or drain or other work of the Municipal Council: or

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- iv. To erect any hoard or scaffolding for building or otherwise in or upon, or to make any excavation, vault, or cellar in or beneath, any such street : A.D. 1905.

under such regulations and subject to such rights and restrictions, and for such consideration, pecuniary or otherwise, as to the Municipal Council seems fit; and all sums received for any such purposes as aforesaid shall be applied in aid of the Municipal Fund.

(2.) No such permission shall give or confer, or be deemed and taken to give or confer, any right, title, or interest to the soil or freehold of any part of any such street, and every such permission shall be revocable by the Municipal Council as and when it sees occasion.

164—(1.) Whenever the Municipal Council shall be of opinion that any building, cellar, or room is unfit for human habitation, or for the accommodation of the occupants thereof, either wholly or in part, and if, in their opinion, such premises can be rendered fit for human habitation or accommodation as aforesaid, such Municipal Council may cause a notice to such effect to be served on the owner of such premises, and the alterations and improvements required by the Municipal Council for that purpose shall be stated in such notice; and if any such owner shall, after the expiration of the time specified in such notice, or until the required alterations and improvements have been made to the satisfaction of the Municipal Council, let for hire or occupy, or suffer to be occupied as a dwelling or otherwise, either wholly or in part, such building, cellar, or room, such owner shall, for every day during which such building, cellar, or room shall remain so occupied as aforesaid, be liable to a penalty not exceeding Twenty Pounds.

(2.) If, in the opinion of the Municipal Council, no repairs can be effected to render the premises fit for human habitation or accommodation as aforesaid, they may issue a notice to the owner thereof, ordering the said building within a period of Thirty days to be demolished; and if such order be not complied with, then the Municipal Council may cause the same or any part thereof to be pulled down, and all costs, charges, and expenses incurred thereby, shall be paid by the owner to the Municipal Council, or in default may be recovered in a summary manner from the owner: Provided that if at such time there shall be no owner of the building so demolished, or any part thereof pulled down, the same may be recovered from the future owner of such building.

(3.) If the expenses of such repairs or alterations be paid by the occupier, being a tenant, such tenant shall be entitled to recover the same from the landlord or owner as money paid at his request, or the same may be deducted from any rent due or to become due thereafter."

165 If the owner of the building condemned as unfit for human habitation, and demolished wholly or in part under the last preceding Section of this Act, is unknown, the Municipal Council may give notice by advertisement in One or more newspapers generally circu-

Building unfit for human habitation may be ordered to be repaired.

If too dilapidated may be demolished by Municipal Council.

45 Vict. No. 22, s. 6.

If owner of condemned building cannot be found, Council may sell materials.

Ibid., s. 8,

Police.

A.D. 1905.

Rules to be
observed in
respect of the
erection of
verandahs.
58 Vict. No. 32,
s. 47.

lating in the Municipality of their act and intention as herein provided; and if at the end of One month after such notice no owner shall be found, then the Municipal Council may sell the material of the building so taken down, and apply the proceeds towards payment of the expenses incurred thereby."

166—(1.) Any person desirous of erecting any verandah, portico, awning, shade, or other matter or thing over any footway or road-way in any street in any Town shall forward a plan and particulars of the same to the Municipal Council, and the Municipal Council shall, within Twenty-one days after the receipt of such plan and particulars, signify in writing under the hand of the Town Clerk their approval, upon such terms and conditions as they may decide upon, or their disapproval thereof.

(2.) Any verandah, portico, awning, shade, or other matter or thing in front of any building and projecting over any carriage or footway, and which has been so erected without the consent of the Council, or which has become dilapidated or decayed, shall be removed or altered as the Municipal Council may require, within One month after notice in writing under the hand of the Town Clerk to so remove or alter is served upon the owner or occupier; and in case the person so served fails to remove or alter as required, the Municipal Council may order the Surveyor to pull down such verandah, portico, awning, shade, or other matter or thing, and the Surveyor on such order shall pull down and remove same, and recover in a summary way all expenses incurred in such pulling down and removal: Provided, that in all such cases One month's notice shall be served by the Surveyor on the owner or occupier before he pulls down and removes as aforesaid.

(3.) Every verandah, portico, awning, shade, matter, or thing hereafter to be built or constructed over any carriage or footway shall be done under the superintendence and to the satisfaction of the Surveyor, and all now built or constructed, or hereafter to be built or constructed, shall be kept in such repair as shall be satisfactory to him.

Intention to lay
out new streets to
be notified to
Council.

Levels of new
streets to be fixed
by Council.

If Council fail to
fix level, parties
may proceed
without.

29 Vict. No. 10,
ss. 197, 198, and
199.

167—(1.) Every person who intends to make or lay out any new street in any Town shall give notice thereof to the Municipal Council, in order that the level of such street may be fixed by the Council.

(2.) The level of every new street shall be fixed under the direction of the Municipal Council, and the level so fixed shall be kept thereafter by every person erecting any house or other building in such street.

(3.) If the Municipal Council does not fix the level within Six weeks from the time of the delivery of such Notice as aforesaid, the person giving such Notice may proceed to lay out the street at any level as if such level had been fixed by the Council, and in such case every change of the level which the Council afterwards deems requisite, and the works consequent thereon, shall be made by the Council, and the expense thereof, and any damage which any person sustains in consequence of such alteration, shall be defrayed by the Council.

Police.

(4.) Every person who makes or lays out any such new street without causing such Notice as aforesaid to be given to the Municipal Council shall be liable to defray all the expenses consequent upon any change of the level of the said street deemed requisite by the Council; and every person who in building any house or other building in any such street does not keep the level fixed by the Council, shall be liable to defray all the expenses consequent upon any change of the level of that part of the street on which such house or building abuts which the said Council deems requisite.

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Persons laying out streets without notice liable to expense of alterations.

Ibid., s. 200.

168 It shall not be law ul to make or lay out any new street in any Town unless the same, being a carriage-road, is at least Fifty feet wide, or not being a carriage-road is at least Twenty feet wide.

Width of new streets.

Ibid., s. 201.

169 The Municipal Council is hereby authorised and empowered to purchase and take any lands which may be required for the purpose of widening, enlarging, diverting, or otherwise altering or improving any of the streets within any Town in the Municipality; and, for the purpose of facilitating the purchase and taking of such lands, *The Lands Clauses Act* shall be incorporated with and form part of this Act; and the Municipal Council shall be deemed to be the promoters of the undertaking within the meaning of the said Act for the purposes of such incorporation.

Council may take lands for improving streets under *The Lands Clauses Act*.

21 Vict. No. 11.

Ibid., s. 202.

170 The Municipal Council may allow, upon such terms as it thinks fit, any building within any Town to be set forward for improving the line of the street in which such building or any building adjacent thereto is situate.

Houses may be set forward to improve street.

Ibid., s. 203.

171—(1.) When in any Town any house or building, or the fence thereof, any part of which projects beyond the regular line of the street, or beyond the front of the house or building or of the fence of the house or building, on either side thereof, has been taken down in order to be rebuilt, altered, or renewed, the Municipal Council may require the same to be set backwards to or towards the line of the street, or to the line of the adjoining houses or buildings, or of the fences thereof, in such manner as the Council directs for the improvement of such street.

Projecting houses, &c., when taken down to be set back.

Ibid., s. 204

(2.) The Council shall make full compensation to the owner of any such house or building for any such damage he may thereby sustain.

172—(1.) The Municipal Council may give notice to the occupier of any house or building in any Town to remove or alter any porch, shed, projecting window, step-cellar, cellar door or window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate, or fence, or any other obstruction or projection erected or placed after the commencement of this Act against or in front of any house or building within such Town, and which is an obstruction to the safe and convenient passage along any street.

Future projection of houses may be removed.

29 Vict. No. 10, s. 205.

Police.

A. D. 1905.

(2.) Such occupier shall within Fourteen days after the service of such notice upon him remove such obstruction or alter the same in such manner as may be directed by the Council.

Penalty : Ten Pounds.

(3.) In default of the occupier removing such obstruction or projection, the Council may remove the same, and the expense of such removal shall be paid by the occupier so making default.

(4.) Except in the case in which such obstructions or projections were made or put up by the occupier, such occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

Existing projections may be removed on making compensation.

Ibid., s. 206.

173 If any such obstructions or projections were erected or placed against or in front of any house or building in any such street before the commencement of this Act, the Municipal Council may cause the same to be removed or altered as the Council thinks fit : Provided that notice of such intended removal or alteration shall be given to the occupier of the house or building against or in front of which such obstruction or projection may be Thirty days before such alteration or removal is begun ; and if such obstructions or projections have been lawfully made, the Council shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Doors, &c., to open inwards.

Ibid., s. 207.

174 All doors, gates, and bars put up after the commencement of this Act, and which open upon any street in any Town shall be hung or placed so as not to open outwards, except when the Municipal Council allows such doors, gates, or bars to be otherwise hung or placed ; and if, except as aforesaid, any such door, gate, or bar is hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall within Eight days after notice from the Council to that effect cause the same to be so altered so as not to open outwards ; and in case he neglects so to do, the Council may make such alteration, and the expenses of such alteration shall be paid to the Council by such occupier, and such occupier shall in addition be liable to a penalty not exceeding Ten Pounds.

Existing doors may be altered.

Ibid., s. 208.

175 If any such door, gate, or bar was before the commencement of this Act hung so as to open outwards upon any street, the Municipal Council may alter the same so as no part thereof when open shall project over any public way.

Coverings for cellar doors to be made by occupier.
29 Vict. No. 10,
s. 209.

176 When any opening is made in any pavement or foot-path within any town, as an entrance into any vault or cellar, a door or covering shall, within a reasonable time, be made by the occupier of such vault or cellar, of iron or such other materials, and in such manner as the Municipal Council directs, and such door or covering shall from time to time be kept in good repair by the occupier of such vault or cellar.

Penalty : Five Pounds.

Police.

177 The occupier of every house or building in, adjoining, or near to any street in any Town, shall, within Seven days next after service of an order of the Municipal Council for that purpose, signed by the Town Clerk, put up, and keep in good condition a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot or trough on the adjoining house or building, or with a pipe or trunk to be fixed to such house or building, from the roof to the ground, to carry the water from the roof thereof in such manner that the water from such house or building, or any portico or projection therefrom, shall not fall upon the persons passing along the street, or drip or flow upon or over the foot-path; and in default of compliance with any such order within the period aforesaid, such occupier shall be liable to a penalty not exceeding Five Pounds for every day that he so makes default.

A.D. 1905.

Waterspouts to be affixed to houses, &c.

Ibid., s. 210.

178 If the occupier of any land, yard, house, or building permits or suffers any water to flow therefrom or drainage therefrom, upon or over the footway in any street, he shall for every day he permits or suffers such water so to flow, or such drainage, be liable to a penalty not exceeding Five Pounds.

Water not to be allowed to drain over footways.

Ibid., s. 211.

179—(1.) The Municipal Council may cause the houses and buildings within any Town to be marked with numbers in such manner as the Council thinks fit, and cause to be put up or painted on some conspicuous part of some house, building, fence, wall, or place at or near any end, corner, or entrance of any street the name by which such street is to be known.

Houses to be numbered and streets named.

Ibid., s. 212

(2.) If any person obstructs the marking any such number, or the putting up or painting any such name, or destroys, pulls down, or defaces any such number or name, or puts up or paints any number or name different from the number or name put up or painted by the Municipal Council, every such person so offending shall for every such offence be liable to a penalty not exceeding Two Pounds.

180—(1.) The owner or occupier of every house or building within any Town shall mark such house or building with such number and in such place as the Municipal Council approves of, and shall renew such number as often as the same becomes obliterated or defaced.

Numbers of houses to be renewed by owners or occupiers.

Ibid., s. 213.

(2.) If any such owner or occupier fails within One week after Notice, for that purpose given by the Municipal Council, signed by the Town Clerk to mark such house or building with such number and in such place as is approved of by the Council, or to renew such number when so obliterated or defaced, he shall for every such offence be liable to a penalty not exceeding Two Pounds.

181—(1.) The Municipal Council shall, during the construction or repair of any of the streets of any Town, and during the construction or repair of any sewers or drains, take proper precaution for guarding against accident, by shoring-up and protecting the adjoining

Bars to be erected across streets while repairs or alterations are making, and

Police.

A.D. 1905.

lights placed at night.

29 Vict. No. 10, s. 214.

houses, and shall cause such bars or chains to be fixed across or in any of the streets, to prevent the passage of vehicles and animals while such works are carried on, as to the Council may seem proper.

(2.) The Council shall cause any sewer or drain or other works, during the construction or repair thereof by the Council, to be lighted and guarded during the night, so as to prevent accidents.

(3.) Every person who takes down, alters, or removes any of the said bars and chains, or extinguishes any light, without the authority or consent of the Council, shall for every such offence be liable to a penalty not exceeding Five Pounds.

Hoads to be set
up during repairs.
Ibid., s. 215.

182—(1.) Every person intending to build or take down any building within any Town, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be so done, where any street will be obstructed or rendered inconvenient by means of such work, shall before beginning the same—

- i. Cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street, with a convenient platform and hand-rail, if there is room enough, to serve as a footway for passengers, outside of such hoard or fence : and
- ii. Continue such hoard or fence, with such platform and hand-rail, standing and in good condition, to the satisfaction of the Municipal Council, during such time as the public safety or convenience requires : and
- iii. In all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night.

(2.) Every person who fails to comply with any of the provisions of this Section, or to remove any such hoard, fence, platform, or handrail when directed by the Council within a reasonable time, shall for every such offence be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding Two Pounds for every day while such default is continued.

Penalty for not
lighting deposits
of building
materials or
excavations.
Ibid., s. 216.

183—(1.) When any building materials, rubbish, or other things are laid, or any hole made, in any streets of any Town, whether the same is done by order of the Municipal Council or not, the person causing such materials or other things to be so laid, or such hole to be made, shall at his own expense—

- i. Cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain : and
- ii. Cause such materials or other things or such hole to be sufficiently fenced and enclosed until such materials or other things are removed, or the hole filled up or otherwise made secure.

Police.

(2.) Every person who fails to comply with the provisions of this Section, shall for every such offence be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding Two Pounds for every day while such default is continued. A.D. 1905.

(3.) In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under a penalty not exceeding Five Pounds to be paid for every such offence by the person who causes such materials or other things to be laid or such hole to be made, and a further penalty not exceeding Two Pounds for every day during which such offence is continued after the conviction for such offence ; and in any such case the proof that the time has not exceeded the necessary time shall be upon the person so causing such materials or other things to be laid, or causing such hole to be made. Penalty for continuing deposits of building materials or excavations an unreasonable time. 29 Vict. No. 10, s. 217.

184 If any building or hole or any other place near any street, in any Town, be, for want of sufficient repair, protection, or enclosure, dangerous to the passengers along such street, the Municipal Council may cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom ; and the expenses of such repair, protection, or enclosure shall be repaid to the Council by the owner of the premises so repaired, protected, or enclosed. Dangerous places to be repaired or enclosed. *Ibid.*, s. 218.

185—(1.) If any building or wall, or any thing affixed thereon, within any Town is deemed by the Surveyor of such Town to be in a ruinous state, and dangerous to passengers or to the occupiers of the neighbouring lands, he shall immediately— Ruinous or dangerous buildings to be taken down or secured by owners, &c. *Ibid.*, s. 219.

1. Cause a proper hoard or fence to be put up for the protection of passengers : and

11. Cause notice in writing to be given to the owner of such building or wall, if he is known and resident in the State, and to the occupier thereof, if any, requiring such owner or occupier forthwith to take down, repair, or secure such building, wall, or other thing as the case requires.

(2.) If such owner or occupier does not begin to comply with such notice within the space of Three days after any such notice has been so given, and complete such taking down or repairs or securing, as speedily as the nature of the case will admit, a Police Magistrate or any Two Justices may, on the complaint of such Surveyor, order the owner, or in his default the occupier, if any, of such building, wall, or other thing, to take down, rebuild, repair, or otherwise secure the same, to the satisfaction of such Surveyor, or such part thereof as appears to him to be in a dangerous state, within a time to be fixed by such Magistrate or Justices. If owners, &c., neglect to repair, Council may cause the same to be done, charging owner with expenses.

(3.) In case such order is not complied with, within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Municipal Council shall with all convenient speed cause all or so much of such building, wall, or other thing as is in a ruinous condition, and dangerous as aforesaid, to be taken down, rebuilt, repaired, or otherwise secured in such manner as is requisite ;

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Council may sell the materials, restoring to the owner overplus arising from the sale.

Ibid., s. 220.

Moneys expended by Municipal Council to be recovered in a summary way. 19 Vict. No. 8. 29 Vict. No. 10, s. 243.

Lamps to be set up and lighted. 29 Vict. No. 10, s. 245.

Penalty for wilfully breaking lamps.

Ibid., s. 246.

and all the expenses of so doing and of putting up any hoard or fence shall be paid by the owner of such building, wall, or other thing.

(4.) If any such house or building, or any part of the same is pulled down, under the provisions of this Section, the Municipal Council may sell the materials thereof, or so much of the same as may be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building; and the Council shall restore any overplus arising from such sale to the owner of such house or building on demand; but this Sub-section shall not debar the Council from exercising any other powers for compelling the payment of the whole or any part of the said expenses.

186 The expenses to be incurred by the Municipal Council in executing and completing any work authorised by this part of this Act to be done on any private land or in causing the same to be done, shall be determined and recovered from the owner of such land as aforesaid in a summary way by and before any Two or more Justices, in the mode prescribed by *The Magistrates Summary Procedure Act*.

187 The Municipal Council is hereby empowered—

- I. To provide so many lamps, lamp-irons, and lamp-posts as may be judged necessary for lighting any Town within its jurisdiction; and
- II. To cause the same to be put or fixed upon or against the wall, rail, or palisade of any building, or upon or against any wall or place, or to be put up or erected in such other manner in any street within such Town as the Municipal Council thinks proper; and
- III. To cause the same to be taken down, altered, or renewed when and as often as the said Council thinks fit; and
- IV. To cause the said lamps to be kept lighted with gas, oil, electricity, or otherwise for such hours, and during such times and seasons as the Council deems necessary and proper.

188—(1.) Whoever wilfully takes away, breaks, throws down, or otherwise destroys or damages any lamp which is erected by or by order of the Municipal Council, or by any person at his own expense, for the purpose of lighting any street within any Town, or any post, iron, cover, or other furniture of any such lamp, or wilfully extinguishes the light of any such lamp, shall for every such offence be liable on conviction to a penalty not exceeding Five Pounds, and shall besides make full satisfaction, to be ascertained by the convicting Justices, for the damage done.

(2.) It shall be lawful for any person who sees any such offence committed to apprehend, and also for any person to assist in apprehending, the offender without any Warrant, and to deliver him into the custody of some Constable, in order that such offender may be secured and taken before some Justice.

Police.

189 Whoever carelessly or negligently breaks, throws down, destroys or damages any such lamp, or any post, iron, cover, or other furniture of any such lamp, and does not upon demand make satisfaction for the damage so done, shall pay such sum of money by way of satisfaction as to the Police Magistrate or Justices before whom the complaint is heard appears just and reasonable.

A.D. 1905.

Satisfaction to be made for negligently breaking lamps.
29 Vict. No. 10, s. 247.

190 It shall be lawful for the Municipal Council to contract with any person for lighting any Town within its jurisdiction with gas, oil, electricity, or otherwise for such time and upon such terms and conditions in all respects as the said Council thinks proper, and for providing and fitting up lamps, lamp posts, lamp irons, and all other works necessary for such purpose.

Power to contract for lighting Towns.

Ibid., s. 248.

191 The Municipal Council may—

- i. Provide such appliances for extinguishing fires, and such fire-escapes and other appliances for safety or use in case of fire as they think fit; and
- ii. Build, provide, hire places for keeping such fire-escapes and appliances :
- iii. Employ a number of persons to act as firemen, and make such rules for their regulation as they think proper : and
- iv. Give such firemen and other persons such salaries and such rewards for their exertions in cases of fire as they think fit.

Fire engines and firemen may be provided by Municipal Council.

Ibid., s. 250.

192 Any person who is desirous of blasting any rock or stone within the limits of any Town shall give notice in writing Twenty-four hours previously to the Surveyor of the said Town, who shall, if he sees fit, appoint in writing a time when the same may take place, and give such other directions in writing as he may deem necessary for the public safety ; and if any person blasts or causes to be blasted any rock or stone within the limits aforesaid without giving such notice, or does not conform to the directions in writing given to him by the said Surveyor, he shall, on conviction, be liable for every such offence to a penalty not exceeding Ten Pounds.

Rocks or stones not to be blasted without permission of Surveyor.

Ibid., s. 257.

193 All lamps, lamp-posts, and other works for lighting any Town ; drains, sewers, cesspools, and other works for draining and cleansing any Town ; and all pavement, stone, metal, or other material for paving any Town ; and all tools and implements of what nature and kind soever ; books, stationery, office furniture, houses, offices, land, and rights appertaining to land, purchased or acquired or used by the Municipal Council under and for the purposes of this Act, shall be deemed to be vested in and shall be the property of the Municipality.

Lamps, &c., the property of the Municipality.

Ibid., s. 258

Police.

A.D. 1905.

PART XII.**BY-LAWS.**

By-laws.

194—(1.) It shall be lawful for the Municipal Council to make and publish such By-laws as to the Council shall seem meet for any of the following purposes:—

29 Vict. No. 10,
s. 260.

I. For preventing obstructions and incumbrances in and upon the streets of and waters adjoining any Town :

II. For regulating the flagging, paving, and repairing the streets, and keeping the same clean from dirt :

Ibid., s. 70.

III. For regulating Common Lodging-houses within its jurisdiction, for fixing the number of lodgers who may be received into each such house, for the separation of the sexes therein, for promoting cleanliness and ventilation therein, with respect to the inspection thereof and the conditions and restrictions under which such inspection may be made, and otherwise for the well ordering of such houses :

Ibid., s. 114.

IV. For regulating the time, place, and manner of landing live animals from vessels arriving in the Municipality :

V. For regulating the time, place, and manner in which the carcasses of animals may be landed from vessels arriving in the Municipality, and the disposal of such carcasses :

VI. For regulating the time, place, and manner of shipping animals on board of vessels departing from the Municipality :

VII. For fixing the hours when, and streets or other public places within the Municipality where, and other restrictions under which, animals imported into this State or brought within the Municipality may be driven, but this power shall not apply to working bullocks in yoke, or tame milch cows being driven to or from pasture :

VIII. For fixing the place within the Municipality where, and the restriction under which, animals may be sold by public auction :

63 Vict. No. 33,
s. 4.

IX. For permitting any person to graze or run any milch cows or heifers in or upon any defined street or part of a street under the control of the Municipal Council, except between sunset and sunrise, subject to such conditions and restrictions as may be contained in such By-law, including the payment of any fee or charge as may be thereby prescribed :

47 Vict. No. 6,
s. 2.

X. For regulating the use of bicycles and tricycles and like vehicles within any Municipality :

XI. For regulating the traffic and charges of parcel delivery carts and other vehicles used for like purposes, and the licensing of such carts and vehicles and their drivers respectively, and the fees to be paid in respect of such licences, :

Police.

- xii. For regulating stage-coaches, omnibuses, and similar vehicles and for appointing stands for engaged cabs only : A.D. 1905.
- xiii. For appointing and regulating places where fares may be paid or tickets issued for passengers travelling by such vehicles : 2 Ed. VII. No. 28, s. 2.
- xiv. For regulating generally the mode of paying and collecting fares for passengers carried by such vehicles :
- xv. For prohibiting any stage coach or omnibus from loitering in any public road, street, or place other than the places between which such stage coach or omnibus is licensed to carry passengers, or which may be appointed by the Council as places at which such stage coach or omnibus may stand for the purpose of taking up passengers : 52 Vict. No. 41, s. 4.
- xvi. For the better ordering and regulation of licensed cabs and the proprietors thereof, and of licensed drivers :
- xvii. For preventing or regulating smoking in public parks, race-courses, recreation grounds, and other places of public resort :
- xviii. For any of the purposes of this Act which the Municipal Council may think it expedient to carry out or effect by By-laws. 29 Vict. No. 10, s. 114.

(2.) The Municipal Council may appoint by such By-laws penalties, not exceeding Ten Pounds in any case, for enforcing such By-laws.

(3.) No such By-laws shall be of any force or effect until the same have been certified by the Attorney-General or Solicitor-General not to be repugnant to this Act, or to the general spirit and intendment of the laws in force in this State.

PART XIII.

MISCELLANEOUS.

195 No person shall open or use any house, shop, or store, or other place on *Sunday* for the purpose of trade or dealing (the shops or houses of bakers, between the hours of half-past Ten in the forenoon and half-past One in the afternoon, and of duly qualified chemists at any hour, and tea houses and the shops of fruiterers for the sale of fruit only between the hours of Two and Five in the afternoon, only excepted). *Sunday trading. Ibid., s. 17.*

Penalty : Five Pounds.

196 No person shall without lawful cause discharge any firearm on *Sunday* within or within Three miles of any Town, or within One mile of any place of worship where Divine service is being held ; and any Constable who sees such offence committed may seize any firearm so discharged as aforesaid, and may apprehend every such offender, without warrant. *Persons discharging firearms on Sundays within certain limits. Ibid., s. 18.*

Penalty : Five Pounds.

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Penalty on proprietors of places of amusement permitting play on *Sundays*.

Ibid., s. 19.

Constables may disperse persons gathering together on *Sunday* for gambling or playing at games.

Persons gambling or playing liable to penalty.

Ibid., s. 20.

Penalty for chimney being on fire.
29 Vict. No. 10,
s. 249.

Bathing prohibited within certain limits.

W.A., 55 Vict.
No. 27, s. 104.
29 Vict. No. 10,
s. 21.

Animals not to be drowned in certain waters.
29 Vict. No. 10,
s. 22.

Dogs or goats not to draw carts, &c.
29 Vict. No. 10,
s. 181.

Owners of carts to have their names painted on the off side under fine of £2.
Ibid., 61.

197 The owner or occupier of any public place of amusement in a Town shall not permit or suffer anyone to play in his house or premises at any game on a *Sunday*.

Penalty : Ten Pounds.

198 It shall be lawful for any constable to disperse all persons gathering together on *Sunday* in any public or open place for the purpose of gambling or playing at any game, and to take and seize any implements, instruments, or animals used or intended to be used therein, and to destroy or carry away the same ; and all persons gambling or playing as aforesaid shall on conviction be liable to a penalty not exceeding Ten Pounds.

199—(1.) If any chimney within any Town takes fire, the occupier of the building to which such chimney belongs shall be liable on conviction to a penalty not exceeding Five Pounds.

(2.) It shall be a good defence to any information laid under this Section to prove that such chimney has been swept within the Three months before the day on which such fire took place.

200 No person shall bathe—

- i. Within the limits of *Sullivan's Cove at Hobart* : or
- ii. Near to or within view of any public wharf, quay, jetty, bridge, street, road, or other place of public resort, unless in proper bathing costume.

And any Constable may take into custody any person who shall commit any such offence within view of such Constable.

Penalty : One Pound.

201 No person shall throw or cause to be thrown into the River *Derwent* within Five miles of *Hobart*, or into any part of the Rivers *North Esk*, *South Esk*, or *Tamar* within Five miles of *Launceston*, or into any tidal waters within such limits as may be fixed by the Governor, by Proclamation to be published in the *Gazette*, any dead animal, or any live animal for the purpose of drowning the same, or to leave or cause the same to be left upon the shores thereof, within the distance aforesaid ; and any Constable may apprehend any person so offending, without warrant.

Penalty : One Pound.

202 Every person found driving or leading or having any dog or any goat harnessed or attached to any cart or carriage of any description for the purpose of drawing the same, shall be deemed guilty of an offence against this Act.

Penalty : Five Pounds.

203—(1.) The owner of every waggon, cart, dray, or other such carriage shall cause to be painted on some conspicuous part of the off-side of every such waggon, cart, dray, or other such carriage, before the same is used on any road or public way, the initial letters of his Christian name and his surname and the place of his trade or abode, at

Police.

full length in large legible letters in white upon black, or black upon white, not less than one inch in height and of a proportionate breadth, and shall continue the same thereupon so long as such waggon, cart, dray, or other such carriage is used upon any road or public way. A.D. 1905.

Penalty: Two Pounds.

(2.) Every person on any road or public way who drives or acts as the driver of any such waggon, cart, dray, or other such carriage not having the owner's name as hereby required painted and remaining legible thereon, shall on demand of any constable tell or discover the true Christian and surname and place of trade or abode of the owner of such waggon, cart, dray, or other such carriage. Driver refusing to give owner's name punishable by imprisonment and hard labour.

Penalty: Two Pounds.

204—(1.) No person under the age of Fourteen years shall at any time have any firearm in his possession or under his control. Young persons not to have possession of firearms.

Penalty: Five Pounds.

(2.) No owner of or person having the possession or control of any firearm shall— 1 Ed. VII. No. 42, s. 6.

i. Sell or deliver such firearm to any person under the age of Fourteen years: or

ii. Permit any such person at any time to have such firearm in his possession or under his control.

Penalty: Five Pounds.

205 Any Constable may take possession of any firearm found in the possession or under the control of any person apparently under the age of Fourteen years, and convey such firearm, or cause the same to be conveyed to some Police Office or usual place of holding Petty Sessions, there to be detained in safe custody; and if it be shown to the satisfaction of any Justice present at such Police Officer or usual place of holding Petty Sessions that a breach of the last preceding Section of this Act has been committed, he may order such firearm to be forfeited, and it shall thereupon become forfeited; and if the same shall be forfeited it shall be destroyed or sold within One month after forfeiture by public auction by any Constable or other person directed so to do by such Justice, and the net proceeds thereof shall be paid into the Treasury, and form part of the Consolidated Revenue Fund. Firearms in possession of young persons may be seized and forfeited.
1 Ed. VII. No. 42, s. 7.

206 In any proceedings under the last Two preceding Sections of this Act, it shall not be necessary for the prosecution to prove that any person alleged in the information to be under the age of Fourteen years, is under such age, but if such person appears to the Court to be under such age, such person shall, for the purpose of this Act, be deemed to be under such age unless the contrary is proved. Presumption of age of young persons.
Ibid., s. 8.

207 Nothing in this Act contained shall be deemed to prevent any Member of any Cadet Corps from having in his possession or under his control any firearm issued to him as a Member of such Cadet Corps by the Commanding Officer of such Corps. Saving as to Members of Cadet Corps.
Ibid., s. 9.

Police.

A.D. 1905.

Penalty on
persons discharg-
ing rifles in
certain places.

Ibid., s. 3.

Persons finding
property to take it
to Police Station.

29 Vict. No. 10,
s. 175.

208 No person shall wantonly discharge any rifle from, on to, across, or over any street in any Town, or any public or common highway or road or beach.

Penalty : Five Pounds.

209—(1.) If any person finds and takes into his possession any money, goods, or chattels, and for which at the time they are found no owner is known, or in any case the owner is known unless such person delivers the same to such owner, such person shall, within Seven days after he takes possession of such money, goods, or chattels, convey the same to a neighbouring Police Station, and there deliver the same to the Police Officer in charge.

Penalty : Five Pounds.

(2.) If any person who finds and takes into his possession any such money, goods, or chattels applies the same to his own use, or disposes of the same, he shall be guilty of an offence against this Act, and in case he has disposed of the said money, goods, or chattels, the Justices before whom he is convicted may order such person, in addition to the penalty, to pay such further sum not exceeding Ten Pounds as the Justices may deem to be the fair value of the goods disposed of, and such further sum shall be recoverable as part of the penalty.

Penalty : Ten Pounds.

How unclaimed
goods to be kept.

29 Vict. No. 10,
s. 176.

How claimed.

210—(1.) When any such goods, articles, or money are brought to a Police Station, the Police Officer in charge shall forthwith receive the same, and enter a description thereof in a Book to be kept in the Police Station for that purpose, together with the name of the person by whom the same is brought to the Station; and property so entered shall be delivered to the person who proves to the satisfaction of a Justice that the same belongs to him, such person previously paying all such reasonable expenses incurred by the finder, or by reason of any advertisements or otherwise, as such Justice may award.

(2.) Every Superintendent of Police shall, in the months of *March, June, September, and December* in every year, cause a list of all property so brought to the Police Stations under his control during the preceding Three months, and unclaimed on the date of the advertisement, to be published in One or more public newspapers generally circulating in the Municipalities or Districts in which such Police Stations are situate.

(3.) If such property is not claimed and proved to belong to some person within One year after the same has been so delivered, such property shall be returned to the person who deposited the same, if he applies for the same within One month after the expiration of the said One year; and in default the same shall be sold and disposed of as the Mayor or a Justice may direct, and the proceeds shall be paid into the Municipal Fund in case of a Municipality, or otherwise into the Consolidated Revenue Fund.

Police.

211—(1.) All Police Districts in existence at the commencement of this Act shall be deemed and taken to be Police Districts within the meaning of this Act.

A.D. 1905.

Appointment of
Police Districts.
55 Vict. No. 46,
s. 1.

(2.) The Governor may, by Proclamation published in the *Gazette*, appoint any portion or portions of any Municipal District as he sees fit to be a Police District or Districts, and may assign to such District or Districts such names as he sees fit.

212—(1.) The Municipal Council of every Municipality shall, and may have and exercise, within the Municipality, all the powers and authorities which, by the Act of Council of the 11th *George IV.* No. 3, are conferred upon and to be exercised by the Governor, so far as such powers and authorities relate to the appointment and removal of Pounds and Poundkeepers.

Municipal Councils to exercise powers of Governor under 11 G. 4, No. 3.
Ibid., 117.

(2.) All sums of money which, by virtue of such lastly recited Act, would be paid into the Consolidated Revenue Fund, shall be paid to such Municipal Council in aid of the Municipal Fund of such Municipality.

213—(1.) It shall be lawful for the Municipal Council of any Rural Municipality, at yearly, half-yearly, or such other periods as to the said Council may seem necessary, to make and levy Rates to be paid for paving, draining, cleansing, and lighting any Town, and the several other purposes in the foregoing provisions contained; and such Rates when received shall form part of the Municipal Fund.

Municipal Council to rate property at yearly or other periods.
Ibid., 259.

(2.) It shall be lawful for such Municipal Council to make and levy separate Rates for paving, draining, cleansing, or lighting any Town, or for any such other purpose as aforesaid, or one general Rate for all or any of such Purposes:

(3.) Such Rates so to be made and levied shall not in any case collectively or separately exceed the sum of One Shilling and Sixpence in the Pound in any One year upon the assessed annual value of the lands and buildings within any Town.

Annual rate not to exceed 1s. 6d. in the £1.

214 All offences against and penalties imposed by Parts II., V., and X. of this Act, shall be heard, determined, and recovered by and before One or more Justices in the mode prescribed by *The Magistrates Summary Procedure Act*, and all other offences against this Act, or any By-laws made thereunder, and all other penalties and sums of money, costs, charges, and expenses imposed or made payable by this Act or by such By-laws, shall be heard, determined, and recovered in a similar way by and before a Police Magistrate or any Two or more Justices.

Offences to be dealt with summarily.
19 Vict. No. 8.
29 Vict. No. 10.
s. 282.

215 Where any person may be adjudged to pay a penalty under this Act, such person in case of non-payment thereof may, without any warrant of distress, be committed to prison for any term, with or without hard labour, not exceeding the period specified in the following scale, unless such penalty shall be sooner paid—

Imprisonment where penalty not paid.

Police.

A.D. 1905.

For any Penalty—	The imprisonment not to exceed—
Not exceeding Ten Shillings	Seven days.
Exceeding Ten Shillings and not exceeding One Pound	Fourteen days.
Exceeding One Pound and not exceeding Five Pounds	One month.
Exceeding Five Pounds and not exceeding Ten Pounds	Three months.
Exceeding Ten Pounds	Six months.

Conviction, &c.,
not unlawful for
want of form.
Ibid., 263.

Distress not un-
lawful for want
of form.

216 No conviction, order, warrant, or other matter made or purporting to be made under the authority of this Act shall be deemed unlawful or quashed for any defect or want of form therein or in any other proceeding relating thereto, provided that it be therein alleged that the party has been convicted and that there be a good and valid conviction to sustain the same, and that such conviction be therein referred to; and no distress made under the authority of this Act shall be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in the Warrant of Distress, or in any other proceeding relating to such distress, nor shall the person distraining be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

Offences to be
prosecuted within
One month.
Ibid., 264.

Persons charged
with offences of
which they may
be summarily
convicted may be
bailed by a Con-
stable.
Ibid., 269.
62 Vict. No. 48,
s. 60.

Particulars of
recognizance to
be entered in a
book, and recog-
nizance returned
to Justice where
party bound to
appear.
29 Vict. No. 10,
s. 270.

217 No person shall be liable to be proceeded against under this Act unless an information is laid, or a complaint is made in respect thereof, within One month after the cause of action has arisen.

218—(1.) Whenever any person charged with any offence of which he is liable to be summarily convicted is without the warrant of a Justice in the custody of any Constable, it shall be lawful for any Constable on duty, who is above the rank of a Sergeant, or any Constable in charge of any Police Station, if he deems it prudent so to do, but in such cases only in which the offender cannot be conveniently taken before a Justice, to take bail by recognizance, without any fee or reward, from such person, conditioned that such person shall appear for examination before a Justice at a certain place and on a certain day, not later than Seven days from the date of such recognizance, and the time and place of such appearance shall be specified in such recognizance.

(2.) The Constable taking any such recognizance shall enter in a book to be kept for that purpose the name, residence, and occupation of the party and his sureties, if any, entering into such recognizance, together with the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the Justice at the time and place when and where the party is bound to appear; and every such recognizance shall have the like force and effect as if the same had been taken before a Justice, and may be estreated and proceeded upon in like manner.

Police.

(3.) The condition of any such recognizance may be enforced in the mode directed by "The Criminal Law Procedure Act, 1873," for enforcing the condition of any recognizance to keep the peace or be of good behaviour. A.D. 1905.
37 Vict. No. 6.

219—(1.) If any person—

- I. Wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Municipal Council, or the Mayor, or any Officer or Agent of the Council, or any other person, in doing or performing any work by this Act authorised to be done or performed by or in the exercise of any power or authority vested in the Municipal Council or any of the persons aforesaid by this Act : or

Obstructing persons executing Act.

Ibid., s. 272.

- II. Threatens, or assaults, or uses improper or abusive language to any of the persons aforesaid whilst in the performance or execution of his duty under this Act—

he shall for any such offence, if not otherwise specially provided for, be liable to a penalty not exceeding Twenty Pounds.

(2.) No proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at Law by any of the persons aforesaid for or in respect of any such assault, but every such action may be commenced and proceeded with as if this Act had not been passed, any Law or usage to the contrary notwithstanding.

220 Except where herein otherwise expressly provided, nothing in this Act contained shall be taken to repeal or alter anything contained in "The Hobart Corporation Act, 1893," "The Launceston Corporation Act, 1894," "The Hobart Building Act, 1886," "The Launceston Building Act, 1894," "The Town Boards Act, 1896," or any Amendment of any of such Acts. Saving of certain Acts.
57 Vict. No. 11.
58 Vict. No. 30.
50 Vict. No. 19.
58 Vict. No. 32.
60 Vict. No. 31.

221 Nothing in this Act contained shall affect or apply to any right, title, or interest of His Majesty, His Heirs and Successors, or in any way limit the Royal Prerogative. Act not to affect rights of the Crown.
Ibid., s. 274.

Police.

A.D. 1905.

SCHEDULE.

(1.)

Sect. 2.

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
29 Vict. No. 10.	<i>The Police Act 1865.</i>	The whole Act.
31 Vict. No. 18.	"The Police Act Amendment, 1867."	The whole Act.
36 Vict. No. 15.	"The Police Act Amendment, 1872."	The whole Act.
42 Vict. No. 25.	"The Police Act Amendment Act, 1879."	The whole Act.
45 Vict. No. 22.	"The Police Act Amendment Act, 1881."	The whole Act.
47 Vict. No. 6.	"The Police Act Amendment Act, 1883."	The whole Act.
52 Vict. No. 41.	"The Police Act Amendment Act, 1888."	The whole Act.
55 Vict. No. 46.	"The Police Act Amendment Act 1891."	The whole Act.
60 Vict. No. 31.	"The Town Boards Act, 1896."	Sections 6 & 129
62 Vict. No. 48.	"The Police Regulation Act, 1898."	Section 60.
63 Vict. No. 33.	"The Police Act Amendment Act, 1899."	The whole Act.
64 Vict. No. 58.	"The Police Act Amendment Act, 1900."	The whole Act.
1 Ed. VII. No. 16.	"The Town Boards Amendment Act, 1901."	Section 3.
1 Ed. VII. No. 42.	"The Police Act Amendment Act, 1901."	The whole Act.
2 Ed. VII. No. 28.	"The Police Act Amendment Act, 1902."	The whole Act.
3 Ed. VII. No. 24.	"The Police Act Amendment Act, 1903."	The whole Act.

(2.)

Sect. 25.

FORM OF REGISTER BOOK.

Name.	Residence.	Number of Label.	Description or kind of Dog to wear the label.	Sex.	Age.	Colour or Peculiar Marks.

(3.)

Sect. 26.

RECEIVED this

[or District] of
April, 19 .

day of 19 the sum of
for Dogs registered by A.B. in the Municipality
for the year ending on the 30th day of

C.D.,

Town Clerk [or Clerk of Petty Sessions.]

Police.

(4.)

A.D. 1905.

COACH LICENCE.

Sect. 49.

Licence for Coach numbered

WHEREAS *A.B.* Proprietor of a certain Coach being [*insert kind of Carriage and the number of the Coach*] has applied to us the undersigned Justices to grant to him a Licence to keep, use, and employ the said Coach between [*state the extreme points of distance*]: And whereas we are satisfied that the said Coach is calculated safely and conveniently to carry the number of Passengers hereinafter mentioned, we do hereby licence the said *A.B.* as such Proprietor to carry and convey between the places aforesaid, in and by the said Coach, the number of [14 or 18] Passengers in the whole—that is to say—the number of [4 or 6] Passengers in the inside and [10 or 12] Passengers on the outside thereof. This Licence to be in force from the date hereof till the 31st day of *December* next and no longer.

Given under our hands this day of 19

E.F. }
G.H. } *Justices of the Peace.*

(5.)

OMNIBUS LICENCE.

Sect. 50.

Licence for Omnibus numbered

WHEREAS *A.B.*, Proprietor of a certain Omnibus being [*insert kind of Carriage and the number of the Omnibus*] has applied to me to grant to him a Licence to keep, use, and employ the said Omnibus under "The Police Act, 1905": And whereas we are satisfied that the said Omnibus is calculated safely and conveniently to carry the number of passengers hereinafter mentioned: I do hereby licence the said *A.B.* as such Proprietor to carry and convey in and by the said Omnibus the number of [14 or 18] passengers in the whole, that is to say, the number of [4 or 6] passengers in the inside and [10 or 12] passengers on the outside thereof. This Licence to be in force from the date hereof till the 31st day of *December* next, and no longer.

Given under my hand, this day of 19

C.D.
[*Mayor of* .]

(6.)

LICENCE FOR A CAB.

Sect. 51.

No.

WHEREAS *A.B.*, proprietor of a certain Cab, has applied to me to grant him a Licence to keep, use, and employ such Cab in conveying Passengers for hire, within [*state name of Town*], and within the distance of Five miles from the principal Post Office thereof, and has paid into the hands of the [*Town Clerk*] the sum of [], being the Fee now fixed for the same; I do hereby licence the said *A.B.* to carry and convey for hire, in and by such Cab, the number of Passengers and no more at any one time, subject to the provisions of "The Police Act, 1905."

Given under my hand, this day of 19

C.D.,
[*Mayor of* .]

Police.

A.D. 1905.

Sect. 57.

(7.)

COACH [or OMNIBUS] DRIVER'S LICENCE.

WHEREAS [here insert name and residence of Driver] has applied to us, the undersigned, to grant him a Licence to act as the Driver of a Coach to run between [state the extreme points of distance] (or as Driver of an Omnibus to ply from [state the Town or place from which it is to ply]): And whereas [insert name of Proprietor or Proprietors] has signified his wish that the said [here insert name of Driver] should become and act as Driver of such vehicle by endorsing such application of the said [here insert name of Driver], and we have received a satisfactory certificate of the ability of the said [Driver] to drive, and of his good character; we do hereby license the said [name of Driver] to be and act as Driver of the said Coach [or Omnibus, as the case may be].

Given under our hands, this

day of

A.B., }
C.D., } Justices of the Peace.

(8.)

Sect. 57.

LICENCE FOR DRIVER OF CAB.

WHEREAS A.B. has applied to me to grant him a Licence to act as the Driver of the Licensed Cab, No. [here insert the number of the Cab], and has paid into the hands of the [Town Clerk] the sum of Five Shillings, being the Fee payable for the same: And whereas C.D., the proprietor of the said Cab, has signified his wish that the said A.B. should become Driver of the said Licensed Cab, by endorsing the application of the said A.B.: And whereas I have received a satisfactory certificate of the ability of the said A.B. to act as Driver of the said Cab, No. [], I do hereby license the said A.B. to act as driver of the said cab within the [name of City or Town], and within the distance of Five miles from the principal Post Office thereof, subject to the provisions of "The Police Act, 1905."

Given under my hand, this

day of

19

E. F., [Mayor]

(9.)

Sect. 93.

LICENCE TO KEEP A COMMON LODGING-HOUSE.

I, A.B., Mayor of the Municipality of [or as the case may be] do hereby license C.D. to keep a Common Lodging-house situate in the District of , the said C.D. having been duly registered as the Keeper thereof.

Dated this

day of

19

A.B.

Mayor of the Municipality of

Police.

(10.)

A.D. 1905.

LICENCE FOR PLACE OF PUBLIC ENTERTAINMENT.

Sect. 109.

By virtue of "The Police Act, 1905," I, *A.B.*, Mayor of the Municipality of
 [or, we, two Justices of the Peace, sitting in Petty Sessions in the
 District of] do hereby grant unto *C.D.*, the owner [or
 occupier] of the house [or garden, &c., as the case may be] situate in [name the
 Town and street] full licence and authority in and upon the said house [or as the case
 may be] to act, represent, perform, exhibit, conduct, give, or do any Public Enter-
 tainment.

This Licence is to remain in force until the 31st day of *December* next.

Given under my [or our] hands this day of 19

A.B.

(11.)

LICENCE FOR PLACE FOR PUBLIC DANCING AND MUSIC. Sect. 112.

By virtue of "The Police Act, 1905," I, *A.B.*, Mayor of the Municipality of
 [or we, two Justices of the Peace, sitting in Petty Sessions in the
 District of] do grant unto *C.D.* the owner or occupier of the
 house [or garden, &c.] situate in [name the Town and street] full licence and authority
 in and upon the said premises to allow public dancing and music [or if any other
 amusement of the like kind name it] to be carried on and performed.

This Licence to remain in force until the 31st day of *December* next.

Dated this day of 19

A.B.

(12.)

SLAUGHTERING LICENCE.

Sect. 127.

WHEREAS *A.B.* of has applied to me, *C.D.*, Mayor
 of the Municipality of [or us *C.D.* and *E.F.*, Two
 Justices of the Peace sitting in Petty Sessions in the District of],
 for a Licence to slaughter animals for sale, and also to sell meat at his house situate
 in and the said *A.B.* has also paid to me [or us] the
 sum of , being the sum payable in respect of such Licence, I,
 the said Mayor [or, we the said Justices] do therefore hereby grant to the said *A.B.*
 this Licence to slaughter sheep, cattle, and pigs, under the provisions of "The Police
 Act, 1905," and to sell meat at his house situate in
 and not elsewhere; and this Licence shall continue in force from the date hereof
 until the 31st day of *December* next and no longer.

Dated at this day of 19

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 31.

AN ACT to amend "The Crown Lands Act, A.D. 1905.
1903." [20 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Crown Lands Act, 1905," and shall be incorporated and read as one with "The Crown Lands Act, 1903," hereinafter referred to as "the Principal Act."

Short title.
Interpretation.
3 Ed. VII. No. 39.

2 Section Three of the Principal Act is hereby amended by omitting therefrom the paragraph defining "Crown Lands" and "Lands of the Crown," and by inserting in lieu thereof the following paragraph :—

Amendment of
definition of
"Crown Lands."

" 'Crown Lands' and 'Lands of the Crown' mean lands which are or may become vested in His Majesty, and which are not for the time being reserved for or dedicated to any public purpose, or granted or lawfully contracted to be granted in fee simple by or on behalf of the Crown, and which are not held under or subject to any Lease, Licence, or Right, or application for Lease or Licence, or as a claim under any Act relating to mining.'

1s. 2d.]

Crown Lands Amendment.

A.D. 1905.

Repeal and re-enactment of Section Seventeen of Principal Act. "Town Lands" and "Rural Lands" defined.

Repeal and re-enactment of Section 21 of Principal Act. Timber leases may be granted.

Amendment of Section Twenty-three.

Repeal of Sections 30, 31, and 32 of Principal Act.

Value and class of land to be fixed.

Class of land defined according to its value.

3 Part I. of the Principal Act is hereby amended, as follows :—

(1.) Section Seventeen is hereby repealed, and the following Section substituted in lieu thereof :—

" 17 In the construction of and for the purposes of this Act—

'Town Lands' means and comprises all lands situate within any city, and all lands within a distance of Five miles from the nearest point of any part of the boundaries of any city, and all lands situate within the boundaries of any town, township, or village, or which now are or hereafter may be set apart, surveyed, or laid out in lots as the site for a town :

'Rural Lands' means and comprises all lands other than 'Town Lands.'"

(2.) Section Twenty-one is hereby repealed, and the following Section substituted in lieu thereof :—

" 21 It shall be lawful for the Commissioner, with the consent of the Governor, to lease to any person, on such terms and subject to such regulations, conditions, and stipulations as may be prescribed, and for any period not exceeding Twenty-one years, any portion, not exceeding One thousand five hundred acres, of Crown Land (including Crown Land which may have been proclaimed by the Governor a Timber Reserve under this Act), for the purpose of obtaining timber or firewood therefrom : Provided that no such lease shall be granted of a greater area than One hundred acres for the taking of timber or firewood within Five miles of any town situated in any mining field."

(3.) Sub-section (1.) of Section Twenty-three of the Principal Act is hereby amended by striking out the words "any action, suit," at the commencement of the Sub-section, and inserting the words "all actions, suits," in lieu thereof ; and by striking out the word "may" in line Four, and inserting the word "shall" in lieu thereof.

Selection of Land.

4 Sections Thirty, Thirty-one, and Thirty-two of the Principal Act are hereby repealed.

5 For the purposes of selection for purchase—

- i. The Surveyor-General shall, in the prescribed manner, and after survey, unless previously classified by him, fix the value and class of any Rural Land :
- ii. Rural Land shall be classified in the prescribed manner as First-class, Second-class, or Third-class land, as the case may be :
- iii. Rural Land shall be deemed to be—
 - (a) First-class land if its value is so fixed at or above One Pound per acre ;
 - (b) Second-class land if its value is so fixed at less than One Pound per acre, and not less than Ten Shillings per acre ;

Crown Lands Amendment.

- (c) Third-class land if its value is so fixed at less than A.D. 1905.
Ten Shillings per acre, and not less than Five
Shillings per acre :

iv. The value so fixed shall be the price of the land :

v. Every application—

Applications.

- (a) Shall be made in the prescribed form and manner,
and a fee as prescribed shall be forwarded there-
with ;
- (b) By a selector to purchase First-class land shall
contain an offer to purchase the land upon credit
at the price of One Pound per acre, subject to
the land being available for purchase ;
- (c) By a selector to purchase Second-class or Third-class
land, unclassified at the time of application, shall
contain an offer to purchase the land upon credit
at the value per acre to be fixed by the Surveyor-
General in the prescribed manner, and shall be
deemed to be made subject to the land being of
the class applied for.

6—(1.) Any person of the age of Eighteen years or upwards may, **Who may select.**
subject to the provisions of this Act, select and purchase under this
Act—

- i. At the price and upon the terms set forth in the Schedule (2.)
to the Principal Act, One lot of First-class land, not
exceeding Two hundred acres nor less than Fifteen acres,
provided such person is not then the holder upon credit of
any land classified as First-class land (under this or any
Act relating to the sale of Crown Lands) or any unclassified
Rural Land for which the whole of the purchase-money
has not been paid :
- ii. At the value per acre, to be fixed by the Surveyor-General
in the prescribed manner, and upon the terms set forth in
Sub-section (2.) of this Section, One lot of Second-class
land, not exceeding Two hundred and fifty acres nor less
than Thirty acres, provided such person is not then the
holder upon credit of any land classified as Second-class
land (under this Act or any Act relating to the sale of
Crown Lands) for which the whole of the purchase-money
has not been paid :
- iii. At the value per acre, to be fixed by the Surveyor-General in
the prescribed manner, and upon the terms set forth in Sub-
section (2.) of this Section, One lot of Third-class land, not
exceeding Five hundred acres nor less than Sixty acres,
provided such person is not then the holder upon credit of
any land classified as Third-class land (under this Act or
any Act relating to the sale of Crown Lands) for which the
whole of the purchase-money has not been paid.

Crown Lands Amendment.

A.D. 1905.

(2.) Upon the sale of any Second-class or Third-class land purchased under this Section the terms of purchase shall be as follows:—A sum equal to One-third of the price shall be added thereto by way of premium for allowance of credit, and the amount of the price and the premium shall become the purchase-money of the land, and the purchaser shall pay a deposit of One-fortieth part of the purchase-money, at the time of sale, and shall contract to pay, and shall pay, the residue of the purchase-money by Fourteen annual instalments, of which each of the First Two instalments shall equal in amount One-twenty-sixth part of such residue, and each of the remaining instalments shall equal in amount One-thirteenth part of such residue in the manner set forth in the example in the Schedule hereto; the First instalment to be paid at the expiration of One year from the time of sale.

Regulation of
additional
selections.

7—(1.) Every person who has selected and purchased any land (whether under this Act or the Principal Act, or any Act repealed by the Principal Act) may make a further selection and purchase, provided that the total area of First-class, Second-class, and Third-class lands held by him on credit at any time under all selections shall not exceed—

i. In the case of First-class land, Two hundred acres :

ii. In the case of Second-class land, Two hundred and fifty acres:

iii. In the case of Third-class land, Five hundred acres :

nor in any of the said cases consist of more than Three lots, and, if such lots adjoin, the total frontage on any road or stream shall not exceed the maximum frontage that would be allowed if the selections had been made in One lot.

Additional selections shall be subject to all the conditions of original selections.

(2.) For the purposes of this Section, if any person is the holder of unclassified Rural Land upon credit, and desires to make an additional selection and purchase, the unclassified Rural Land so held by him upon credit shall be deemed to be First-class land.

Selector not in
compliance with
Act under which
he purchased not
to be eligible to
make further
selection.

8 Notwithstanding anything to the contrary contained in this or any other Act, no person who during the Three years immediately preceding his application to select and purchase land under this Act has already purchased land under this Act or the Principal Act or any Act repealed by the Principal Act, shall be eligible to make a further selection and purchase of land under this Act unless he has complied with all the conditions imposed by the Act governing and regulating the selection and purchase of the land already selected and purchased by him.

Amendment of
Section 33 of
Principal Act.

9 Section Thirty-three of the Principal Act is hereby amended by striking out the words "paying One-fifth of the prescribed expense of surveying such land, as set forth in Part III. of this Act," in lines five, six, and seven, and by inserting in lieu thereof the words "the Commissioner notifying him that the land is available, and can be purchased in accordance with his application."

Crown Lands Amendment.

10 Notwithstanding anything to the contrary contained in this or any Act relating to the sale of Crown Lands, the Surveyor-General may classify any area before survey, and such land shall thereupon be available for selection or sale at the prices so classified.

A.D. 1905.

Classification of land before survey.

Survey.

11—(1.) From and after the commencement of this Act, the provisions of Part III. of the Principal Act shall only apply to First-class land selected and purchased under the Principal Act or this Act.

Part III. of Principal Act to apply only to First-class selected land.

(2.) Part III. of the Principal Act is hereby modified and amended as follows :—

- i. Sub-section (1.) of Section Forty-two of the Principal Act is hereby repealed, and the following Sub-section substituted in lieu thereof :—

Repeal and re-enactment of Section 42.

“42—(1.) The applicant for a selection of First-class land shall pay the expense of surveying such land in the following manner, that is to say :—To the amount of the prescribed Survey fee a sum of Two Shillings and Sixpence for every Pound sterling or part thereof shall be added thereto by way of interest, and the applicant shall within the prescribed time after payment thereof has been demanded from him by or on behalf of the Commissioner, pay One-fifth of the whole amount, otherwise his application may be cancelled; and he shall pay the balance by Four equal annual payments upon the terms and as set forth in Schedule (9).”

Applicant to pay Survey fee.

- ii. Sub-section (2.) of Section Forty-two is hereby repealed, and the following Sub-section substituted in lieu thereof; and the said Section shall be read and construed as if the following Sub-section had been a part thereof at the commencement of the Principal Act :—

Repeal of Sub-section (2.) of Section 42.

“(2.) The first of such annual payments shall be made within One year after the survey has been effected and the applicant has been notified that the land is available.”

- iii. Section Forty-three of the Principal Act is hereby repealed, and the following Section substituted in lieu thereof; and the Principal Act shall be read and construed as if the following Section had been a part thereof at the commencement thereof :—

Repeal of and re-enactment of Section 43.

“43 The non-payment of any part of any survey fee, after payment has become due, shall have the same operation upon the rights and privileges of the purchaser as failure to pay any instalment of the purchase-money of the land purchased by him; and if default is made by any applicant for a selection or purchaser under selection in payment of any part of any survey fee after payment has become due, then the whole of the survey fee then remaining unpaid shall become forthwith due and payable, and may be sued for and recovered from the applicant or purchaser, as the case may be, in any Court of competent jurisdiction by the Commissioner or any person appointed by him in that behalf, as a debt due to the Crown.”

Penalty for non-payment of Survey fee.

Crown Lands Amendment.

A.D. 1905.

Repeal and
re-enactment of
Section 44.
Land to be
surveyed.

iv. Section Forty-four of the Principal Act is hereby repealed, and the following Section substituted in lieu thereof:—

“**44** As soon as conveniently can be after payment of One-fifth of the survey fee as herein provided by the applicant the Commissioner shall cause the land applied for to be surveyed in the prescribed manner, but the applicant shall have no right to require the Commissioner to enter into a contract of sale with him until the survey has been effected, and the Commissioner has notified him that the land applied for is available and can be purchased in accordance with his application.”

Selectors of
Second-class or
Third-class land
to pay survey fee
on demand.

12 Every person who after the commencement of this Act, as a selector applies for Second-class or Third-class land under any of the provisions of the Principal Act or of this Act, shall within the prescribed time, after payment thereof has been demanded from him by or on behalf of the Commissioner, pay the prescribed expense of surveying the land applied for, otherwise his application shall be cancelled; and as soon as conveniently can be, after payment of the survey fee, the Commissioner shall cause the land applied for to be surveyed in manner prescribed; but the applicant shall have no right to require the Commissioner to enter into a contract of sale with him until the survey has been effected, and the Commissioner has notified him that the land applied for is available and can be purchased in accordance with his application.

Selector of First-
class land to
pay balance sur-
vey fee forthwith
if he neglects to
sign contract.

13 Any applicant for a selection of First-class land for whom the land applied for has been surveyed pursuant to Section Forty-four of the Principal Act, and who neglects or refuses, upon demand being made in the prescribed manner, to enter into the contract for the sale and purchase of the said land, shall be liable for the payment forthwith to the Commissioner of the balance of the expenses of survey remaining unpaid, and such balance may be sued for and recovered from such applicant in any Court of competent jurisdiction by the Commissioner, or any person appointed by him in that behalf, as a debt due to the Crown.

Sale of Land.

Amendment of
Part IV. of
Principal Act.
Repeal and re-
enactment of
Sections 46 and
47 of Principal
Act.

Certain lands may
be sold by
auction.

14 Part IV. of the Principal Act is hereby modified and amended as follows:—

(1.) Sections Forty-six and Forty-seven are hereby repealed, and the following Sections substituted in lieu thereof:—

“**46**—(1.) The following Crown Lands may be sold by public auction, in the manner and subject to the conditions hereinafter prescribed:—

- i. All Rural Lands not held by any purchaser under Part II. of this Act, and not excepted from sale under this Act:
- ii. All Town Lands.

Crown Lands Amendment.

"(2.) All Rural Lands to be offered for sale by auction shall, after A.D. 1905. survey and before sale, be classified as—

- i. First-class lands :
- ii. Second-class lands :
- iii. Third-class lands.

"**47** The lowest upset price of Rural Lands offered for sale by auction is hereby fixed at One Pound per acre for First-class land, Ten Shillings per acre for Second-class land, and Five Shillings per acre for Third-class land." Upset price.

(2.) Section Forty-nine is hereby repealed, and the following Section substituted in lieu thereof :— Repeal and re-enactment of Section 49 of Principal Act.

"**49** The area of any lot of Rural Land put up for sale by auction, not being Rural Land situate within a Mining Area, shall not exceed—

- i. Two hundred acres, if First-class land :
- ii. Two hundred and fifty acres nor be less than Thirty acres, if Second-class land :
- iii. Five hundred acres nor be less than Sixty acres, if Third-class land."

15 No person who selects and purchases, or purchases at auction, Crown Land on credit after the commencement of this Act shall be entitled to hold on credit at any one time (inclusive of any Crown Land held by him on credit under a selection or purchase made before the commencement of this Act) more than Two hundred acres of First-class land, Two hundred and fifty acres of Second-class land, and Five hundred acres of Third-class land. Amendment of Section 51 of Principal Act.

Mining Areas.

16 The provisions of Sections Sixty-six to Seventy-one, both inclusive, and of Section Seventy-three of Part V. of the Principal Act, shall apply to all land selected and purchased, or bought at public auction, or by private contract, within any area proclaimed under the Ninth Section of "The Waste Lands Act, 1881," as an area for the purposes of that Act, and also to all land selected and purchased, or bought at public auction, or by private contract, within any area proclaimed under the Forty-eighth Section of "The Crown Lands Act, 1890," as a Mining Area for the purposes of that Act. Sections 66 to 71 and Section 73 of Part V. of the Principal Act to be applicable to land selected and purchased, or bought at auction, within Mining Areas proclaimed under former Acts.

17—(1.) Section Sixty-three of the Principal Act is hereby amended by striking out the word "Agricultural" in line Three.

(2.) Section Sixty-four of the Principal Act is hereby amended by inserting in line Three, after the word "auction," the words "and if offered for sale by auction and not sold, then by private contract."

(3.) Section Sixty-five of the Principal Act is hereby amended by inserting the words "any First-class land" after the word "or" in line One, and by inserting the words "or by private contract in the manner provided by Part IV. of this Act" after the word "auction" in line One. Amendment of Sections 63, 64, 65, 72, and 73 of Principal Act.

Crown Lands Amendment.

A.D. 1905.

(4.) Section Seventy-two of the Principal Act is hereby amended by inserting the words "or offered for sale" after the word "for" in line Three, and by inserting the words "or offered for sale" at the end of the said Section.

(5.) Section Seventy-three of the Principal Act is hereby amended by striking out the word "hereinafter" in line Seven, and inserting the word "hereinbefore" in lieu thereof.

Conditions of Purchase.

Residence conditions under Sections 84 and 86 of Principal Act dispensed with.

18—(1.) From and after the commencement of this Act, notwithstanding anything contained in the Principal Act to the contrary, the conditions as to residence upon Second-class and Third-class lands imposed by Sections Eighty-four and Eighty-six of the Principal Act need not be complied with, and are hereby dispensed with in the case of any such land—

- i. Selected and purchased before the commencement of this Act under Section Thirty-one of the Principal Act: or
- ii. Purchased upon credit before or after the commencement of this Act, by public auction or private contract, under Part IV. of the Principal Act.

(2.) No Second-class or Third-class land which before the commencement of this Act was selected and purchased under Section Thirty-one of the Principal Act, or purchased upon credit, by public auction or private contract under Part IV. of that Act, and which at the commencement of this Act is not declared forfeited, shall be liable to forfeiture to the Crown by reason only of any breach of the conditions as to residence committed prior to the commencement of this Act.

Amendment of Part VI. of Principal Act. Amendment of Section 77.

19 Part VI. of the Principal Act is hereby modified and amended as follows:—

(1.) In line One of Section Seventy-seven the word "Agricultural" is struck out; in line One of Sub-section (2.) of the said Section the word "Agricultural" is struck out; and the following proviso is added at the end of Sub-section (1.) of the said Section:—"Provided that where the area of any First-class land so sold is less than Fifteen acres, such area shall be sold for cash and not upon credit."

(2.) Sub-section (2.) of Section Seventy-eight is hereby repealed.

(3.) Sub-section (2.) of Section Seventy-nine is hereby repealed.

(4.) Section Eighty is hereby repealed, and the following Section substituted in lieu thereof:—

80 It shall be lawful for the purchaser of any land upon credit, at any time during the period of credit allowed, and before default is made in payment of any instalment of the purchase money, to pay off the balance then remaining unpaid under the contract of sale; and in every such case a deduction shall be allowed in the sum added to the price of the land by way of premium for the allowance of credit proportionate to the then unexpired period of credit: Provided that the purchaser of any rural land upon credit shall not be entitled to pay off

Repeal of Sub-section (2.) of Sections 78 and 79.

Repeal and re-enactment of Section 80.

Purchaser on credit may pay off at any time.

Provisos.

Crown Lands Amendment.

the balance then remaining unpaid until such purchaser has made substantial improvements upon such land to the value of One Pound for every acre of the land if First-class land, or to the value of Five Shillings for every acre thereof if Second-class land, or to the value of Two Shillings and Sixpence for every acre thereof if Third-class land : Provided further that the purchaser upon credit of any Rural land under this Act (not being land classified as Second-class or Third-class land) shall not be entitled to pay off the balance then remaining unpaid until such purchaser has also complied with the conditions of residence upon such land as imposed by this Act.”

A.D. 1905.

(5.) Sections Eighty-one and Eighty-two are hereby repealed, and the following Sections substituted in lieu thereof:—

Repeal of Sections 81 and 82.

“**81** At the expiration of One year from the date of the contract of sale and purchase of any First-class land, the purchaser of such land shall begin to effect substantial improvements on the lands purchased by him, and shall continue in each year during Eight consecutive years thereafter to effect substantial improvements on such land of the value of not less than Two Shillings and Sixpence per acre for every acre of the land so purchased by him ; and in default of making such improvements such land shall be forfeited to the Crown : Provided that every purchaser having expended more than Two Shillings and Sixpence per acre in any year shall be entitled to credit against his liability in any subsequent year for such extra expenditure ; and the total amount so to be expended in such improvements need not exceed the sum of One Pound per acre.

Improvements to be effected on First-class land.

Proviso.

“**82** Any First-class Rural land purchased on credit under the provisions of this Act (not being land purchased under Sections Thirty-three or Sixty-three of this Act), and any First-class land purchased on credit by auction or private contract under Part IV. of this Act, shall be occupied by the purchaser thereof, or by some member of his family, or by some one employed by him on his behalf, by habitually residing on such land for at least Five years before a grant shall be issued therefor, and in default of being so occupied, such land shall be liable to be forfeited to the Crown. Such term of Five years shall commence to run Two years after the date of contract of sale and purchase, and shall be continuous : Provided that any such purchaser of First-class land under this Act shall have effected substantial improvements on such land to the value of One Pound for every acre of such land before a Grant Deed shall be issued therefor, and in default of such improvements having been made as aforesaid, the land, together with all improvements, shall become absolutely forfeited, and shall revert to the Crown.”

Residence on First-class land necessary.

Grant not to issue until improvements effected.

(6.) Section Eighty-three is hereby amended by striking out the words “ a sum equal to one-half the price of such land,” at the end of the Section, and inserting instead thereof the words “ Five Shillings for every acre of such land.”

Amendment of Section 83.

(7.) Sections Eighty-four and Eighty-six are hereby repealed, and the following Sections substituted in lieu thereof:—

Repeal and re-enactment of Sections 84 and 86.

“**84** The purchaser of any Second-class land upon credit under this Act shall have effected substantial improvements on such land to

Crown Lands Amendment.

A.D. 1905.

the value of not less than Five Shillings for every acre of such land before a Grant Deed shall be issued therefor; and in default of such improvements having been effected in accordance with the provisions of this Act, the land, together with all improvements, shall become absolutely forfeited, and shall thereupon revert to the Crown.

"**86** The purchaser of any Third-class land upon credit under this Act shall have effected substantial improvements on such land to the value of not less than Two Shillings and Sixpence for every acre of such land before a Grant Deed shall be issued therefor; and in default of such improvements having been effected in accordance with the provisions of this Act, the land, together with all improvements, shall become absolutely forfeited, and shall thereupon revert to the Crown."

(8.) Section Eighty-five is hereby amended by striking out the words "a sum equal to One-fourth of the price of such land," at the end of the Section, and inserting instead thereof the words "Two Shillings and Sixpence for every acre of such land."

(9.) Section Ninety-eight is hereby amended by striking out the word "Agricultural" in line Five.

Areas for Special Settlement.

Amendment of
Part VII. of
Principal Act.

20 Part VII. of the Principal Act is hereby modified, and amended as follows:—

(1.) Section One hundred and seven is hereby repealed, and the following Section substituted in lieu thereof:—

Repeal and re-
enactment of
Section 107.
Commissioner
may withdraw
area of land from
the operation of
this Act.
Amendment of
Sections 109
and 112.

"**107** If the Surveyor-General shall at any time report to the Commissioner that there exists an area of Rural land, not being less than One thousand acres in extent, and which, in his opinion, is First-class land suitable for Agricultural, Horticultural, or Dairy Farming purposes, the Commissioner may withdraw from selection, under the provisions of this Act, such area and such further area of inferior land adjoining or contiguous to such area as he may think desirable for the purposes of this Part of this Act."

(2.) The word "Agricultural" is struck out of Sections One hundred and nine and One hundred and twelve.

Amendment of
Section 117 of
Principal Act.

21 Section One hundred and seventeen of the Principal Act is hereby amended by inserting at the end of the Section the following words, "and in every such case a deduction shall be allowed in the sum added to the price of the land by way of premium for the allowance of credit proportionate to the then unexpired period of credit."

Miscellaneous.

Amendment of
Section 149 of
Principal Act.

22—(1.) Section One hundred and forty-nine of the Principal Act is hereby amended by striking out in line Two the words "Twelve months," and inserting the words "Five years" in lieu thereof, and by inserting in line Three, after the word "Lands," the words "for such purposes, and."

Crown Lands Amendment.

(2.) Licences granted under the lastmentioned Section shall be called "Temporary Licences." A.D. 1905.

23 Section One hundred and seventy-one of the Principal Act is hereby amended by striking out, in line One, the word "Agricultural." Amendment of
Section 171 of
Principal Act.

24 Section One hundred and seventy-four of the Principal Act is hereby amended by inserting in line Three, after the word "City," the words "and other than for land sold under Part VIII. of this Act": This Amendment shall take effect as from the Sixth day of *January*, One thousand nine hundred and four. Amendment of
Section 174 of
Principal Act.

25—(1.) Whenever Crown land is disposed of upon credit under the Principal Act, there shall be included in each lot of such land an excess of area in the proportion of Five acres to every One hundred acres, and so in proportion for any greater or smaller area than One hundred acres; and if at any time within Fifteen years from the date of the contract of sale of such land, whether the whole of the purchase money for such land shall have been paid or not, and notwithstanding that the Grant Deed shall have been issued for the same, the Minister of Lands and Works shall determine that it is necessary for public convenience to reserve roads across the said land, or to divert or alter any road already reserved, the excess area included in any lot by virtue of this Act may be resumed by His Majesty for any of the purposes aforesaid, without being required to make any payment for the land resumed: Provided that compensation shall be made by the Minister of Lands and Works to the owner of such lot for all fences, buildings, and permanent improvements which the latter may have erected or made on the land so resumed, such compensation to be ascertained by valuation in such manner as may be prescribed: Provided further, that if the Grant Deed shall have been issued for such lot prior to the expiration of Fifteen years, compensation for any excess area taken as aforesaid shall be paid at the same rate per acre as was paid by the purchaser. Area to be
included for roads
in lots of land
sold upon credit.
52 Vict. No. 33,
s. 5.

(2.) It shall not be lawful to reserve any road under this Section, or to divert or alter any road, so as to interfere with any residence, garden, yard, lawn, orchard, or planted walk or avenue to a house, or enclosed ground planted as an ornament or shelter to a house, or planted as a nursery for trees, without the consent of the owner of such lot.

(3.) When any road is diverted or altered under this Section, the old road, or any part thereof, which appears to the Minister of Lands and Works to be thereby rendered useless, may be given up to the owner of such lot.

(4.) The excess area not required for roads shall be paid for by the purchaser at the same rate per acre as the remainder of the lot purchased by him, and shall be included in the grant of the said lot.

26 Whenever any purchaser of land purchased on credit under the Principal Act has become liable to have his land forfeited on account of his failure to comply with the conditions of residence upon such land Governor may
suspend residence
in certain cases.

Crown Lands Amendment.

A.D. 1905.

imposed by that Act, it shall be lawful for the Governor to suspend compliance with such conditions for any period not exceeding Five years from the date of the contract of sale and purchase, upon sufficient and satisfactory grounds being shown for non-residence.

Grant of land to reserve gold, silver, and other metals, &c.

27 The Grant Deed of any Crown Land granted after the commencement of this Act shall not include or convey property in gold, silver, copper, tin, or other metals, ore, mineral, or other substances containing metals, or gems or precious stones, or coal or mineral oil in or upon such land, the same being reserved by the Crown.

Limitation of right to mine under Town allotments, &c.

28 Section One hundred and six of the Principal Act is hereby repealed, and the following Section substituted in lieu thereof:—

“**106** Every Grant Deed of any Crown Land included within the boundaries of any Town which is within the limits of any proclaimed Goldfield or Mining Field shall contain a reservation to the Crown, or to any lessees from the Crown, of the right to mine for gold or other metals or minerals under such land at a depth of not less than Fifty feet from the natural surface thereof: Provided that any person causing any injury or damage to such land or any buildings thereon by mining thereunder shall be liable for such injury or damage to the owner of the surface of such land. The Grant Deed shall also contain a reservation to the Crown of the right at all times of making and constructing in or on the said land such and so many drains, sewers, and waterways for sanitary or other purposes as may be deemed expedient, and also the right of altering, amending, cleansing, or repairing such drains, sewers, and waterways.”

Power to raise certain moneys for making streets or roads in vicinity of land at *Cascades* and at *New Town* authorised to be sold by 54 Vict. No. 44, Sect. 2.

29—(1.) Notwithstanding anything to the contrary contained in the Act of Parliament of *Tasmania*, 54 *Victoriae*, No. 44, it shall be lawful for the Governor to raise by the issue and sale of Debentures or Inscribed Stock, chargeable to the Consolidated Revenue Fund, a sum of money not exceeding One thousand Pounds, for the purpose of making streets or roads in the vicinity of land and buildings at *Cascades*, *Hobart*, being Item 1, in Schedule (1.) to the lastmentioned Act; and also a further sum of money, not exceeding Five hundred Pounds (in addition to any moneys authorised and expended before the commencement of this Act), for the purpose of making streets or roads in the vicinity of land and buildings at *New Town*, and known as the Government Farm, being Item 2 in the said Schedule.

Appropriation of half purchase-money.

(2.) One-half of the purchase-money received after the Twenty-eighth day of *November*, One thousand eight hundred and ninety, on account of the sale of the said land and buildings at *Cascades*, *Hobart*, and of the said land and buildings at *New Town*, and known as the Government Farm, shall be set apart from time to time and paid into the Public Debts Sinking Fund, and shall be applied in manner mentioned in “The Public Debts Sinking Fund Act, 1881.”

45 Vict. No. 15.

Crown Lands Amendment.

30 All contracts made or entered into and all applications made for the selection of land under the principal Act, and in force on the day on which this Act comes into operation, shall continue and be as valid and effectual as if this Act had not been passed, and, except as herein otherwise provided, shall be regulated and governed by the Principal Act.

A.D. 1905.

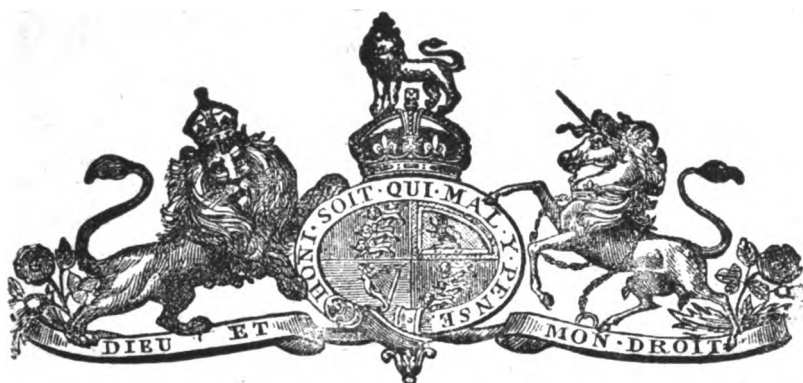
Contracts, &c.,
continued.**SCHEDULE.**

(EXAMPLE.)				£	s.	d.
100 acres at 10s. per acre	..	..	..	50	0	0
Add one-third for credit	..	..	..	16	13	4
Purchase-money	..	..	..	£66	13	4

	£	s.	d.
Cash at time of purchase, one-fortieth of purchase price	1	13	4
1st year, one twenty-sixth of residue	2	10	0
2nd year, ditto	2	10	0
3rd year, one-thirteenth of such residue	5	0	0
4th year, ditto	5	0	0
5th year, ditto	5	0	0
6th year, ditto	5	0	0
7th year, ditto	5	0	0
8th year, ditto	5	0	0
9th year, ditto	5	0	0
10th year, ditto	5	0	0
11th year, ditto	5	0	0
12th year, ditto	5	0	0
13th year, ditto	5	0	0
14th year, ditto	5	0	0
	£66	13	4

and in like proportion for any greater or smaller amount of purchase-money.

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 32.

AN ACT to further amend "The Education Act, 1885," to amend "The Education Act, 1898," and for other purposes.

A.D. 1905.

[20 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Education Act, 1905," and shall be incorporated and read with "The Education Act, 1885" (hereinafter referred to as the Principal Act), and "The Education Act, 1898."

Short title and
incorporation.

2 Section Fourteen of the Principal Act is hereby repealed, and the following is hereby enacted and may be cited in lieu thereof :—

"**14** In all schools fees shall be charged to the parents of children attending school in accordance with a scale to be fixed by Regulations to be made by the Governor under this Act ; such fees shall be paid into and form part of the Consolidated Revenue Fund ; and all such fees may be recovered in a summary way before any Justice of the Peace, in the name of the Minister or of any person authorised by him in that

Repeal and re-
enactment of
Section 14 of the
Principal Act.

6d.]

Education Amendment.

A.D. 1905.

School fees.

behalf : Provided that nothing in this Section contained shall preclude the Minister, or the Board of Advice if authorised by the Minister, from reducing the fees prescribed or granting exemption from the payment of fees in respect of children whose parents are unable to pay the prescribed rates ; and provided further that nothing in this Section contained shall preclude the Minister from prescribing that schools with an average attendance of less than Twelve children shall be Assisted Schools, and that the teachers of such schools shall be entitled to the fees in addition to their salaries."

Repeal and re-enactment of Section 24 of the Principal Act. Powers and duties of Boards of Advice defined.

3 Section Twenty-four of the Principal Act is hereby repealed, and the following is hereby enacted and may be cited in lieu thereof :—

"**24** The powers and duties of every such Board of Advice shall be—

- " I. To advise the Minister in all matters connected with the education of the children of the District :
- " II. To exercise general supervision over the schools in the District, and to visit such schools from time to time :
- " III. To protect the teachers of the District from frivolous complaints :
- " IV. To suspend any teacher for misconduct in cases not admitting of delay, and to report immediately the cause of such suspension to the Minister :
- " v. To appoint, during pleasure, one or more qualified persons, whether members of the Board or not, as Special Visitors to each school within the District, to advise the Board in reference to any matters mentioned in this Section :
- " vi. To alter from time to time, subject to the provisions of this Act, the radius within which parents are by this Act required to cause their children to attend school whenever special circumstances render an alteration desirable :
- " vii. To use every endeavour to induce parents to send their children regularly to school, and, subject to the provisions of this Act, to institute legal proceedings in the name of the Minister against parents who neglect to cause their children to be regularly and efficiently instructed :
- " viii. To allow the school buildings vested in the Minister to be used for other than school purposes after the children are dismissed from school, or on days when no school is held therein, subject to the terms and conditions prescribed by the Regulations made under this Act ; and such fees as may be received for the use of any school buildings under this Section may be disposed of in such manner as the Minister shall from time to time direct :
- " ix. To cause any necessary petty repairs to schoolhouses vested in the Minister to be effected, and to undertake such other expenditure as may be prescribed by the Regulations from time to time : Provided that the total

Education Amendment.

expenditure for such petty repairs, and such other work as may be prescribed, shall not exceed in any one year an amount to be fixed by the Minister : A.D. 1905.

“ x. To recommend to the Minister the reduction of school fees or exemption from the payment of school fees in cases in which, in the opinion of the Board, parents are unable to pay, and to recommend to the Minister the remission of arrears of school fees when the circumstances of the parents, in the opinion of the Board, justify such remission :

“ xi. To grant exemption from attendance at school to any child for any period not exceeding Four consecutive weeks, and from time to time to grant to any school a holiday for the whole day, or for half a day, in accordance with the Regulations.”

4 Sub-section (1.) of Section Thirty-six of the Principal Act is hereby repealed, and the following is hereby enacted and may be cited in lieu thereof :— Repeal of Sub-section (1.) of Section 36 of Principal Act.

“ 36—(1.) The Governor may from time to time make and rescind Regulations for all or any of the following purposes :—

“ i. Regulating the establishment, maintenance, and classification of State schools, kindergartens, training colleges for teachers, practising schools, manual training schools, domestic economy schools, night schools, continuation schools, technical schools and classes, schools for the blind, the deaf, the dumb, and other defectives, truant schools, and such other schools as the Minister recommends : Regulations.

“ ii. The appointment, promotion, and removal of inspectors, teachers, and other officers, in any case where the Act for the time being regulating the Public Service does not apply, and in any such case prescribing the duties, classification, and salaries of all such persons :

“ iii. Prescribing the length of the school months for which salaries shall be paid and returns of attendance shall be made :

“ iv. Prescribing the days and the hours during which all schools and institutions under the Minister shall be open, the holidays, the vacations, and the conditions on which leave of absence may be granted to teachers and other officers (subject to the provisions of any Act for the time being in force regulating the Public Service, and which may be applicable) :

“ v. Prescribing the methods of training teachers and their examination ;

Education Amendment.

A.D. 1905.

- “ VI. Prescribing the secular and religious instruction to be given in each school :
- “ VII. Prescribing physical training for children :
- “ VIII. Prescribing the course of instruction in all schools and classes :
- “ IX. Prescribing the inspection and examination of schools :
- “ X. Prescribing the number of teachers to be allotted to each school according to attendance, and the removal of teachers in excess of such allotment when the attendance does not justify their employment :
- “ XI. Prescribing the books and materials to be used in schools, the method of supplying such books and materials, and the disposal from time to time of the profits (if any) of the sale thereof :
- “ XII. Prescribing the scale of fees to be paid by parents, and the exemption of parents from the payment of fees :
- “ XIII. Prescribing the method of collecting and forwarding the fees :
- “ XIV. Prescribing the granting of railway passes to children who live beyond the radius within which parents are by this Act required to cause their children to attend school :
- “ XV. Prescribing the terms and conditions upon which school-rooms may be used for other than school purposes :
- “ XVI. Prescribing the mode of taking an educational census from time to time :
- “ XVII. Prescribing the mode of enforcing the provisions of this Act compelling attendance of children at school :
- “ XVIII. Prescribing the discipline to be enforced and observed in all schools :
- “ XIX. The establishment of scholarships open to be competed for by scholars at State or other schools :
- “ XX. Prescribing the medical inspection and examination of children in schools, or of particular classes of children, or of children individually :
- “ XXI. Prescribing the means to be taken by teachers and others for the protection of the health of children while attending State Schools and other schools, and for the prevention and limitation of disease amongst such children :
- “ XXII. Providing for the exclusion from schools of children and others suffering from or suspected to be suffering from any specified disease or diseases, or recently exposed to infection from such diseases :
- “ XXIII. Providing for all other matters or things which are not otherwise provided for by the Principal Act, or by this or any other Act amending the same, and which are necessary for carrying the provisions of the said Acts into effect.”

In the construction of this Section general words shall not be limited or controlled by particular words.

Education Amendment.

5 Section Eight of "The Education Act, 1898," is hereby repealed, A.D. 1905.
and the following is hereby enacted and may be cited in lieu thereof :—

8 For the purpose of ascertaining the extent to which the provisions of the said Act are being complied with, it shall be lawful for the Minister of Education or for any Board of Advice to cause to be posted to the ordinary address of, or to be left with, the parent or any other person having the custody of any child or children resident within any District, a notice in such form as may be prescribed, and such parent or other person shall fill up and supply in such form the information therein applied for, and shall return such form to the Minister or Board of Advice by post or otherwise as may be directed within the time appointed therein.

"Any person neglecting or refusing to supply such information, or wrongfully filling in such form, or neglecting or refusing to return such form in the manner therein directed, shall, on conviction, forfeit and pay a sum not exceeding One Pound, to be enforced by distress only, and not by imprisonment."

6 Any person who wilfully disturbs any school, or upbraids, insults, or abuses any teacher in the presence or hearing of the pupils assembled in school shall be guilty of an offence against this Act, and shall, on summary conviction, be liable to a penalty not exceeding Two Pounds and not less than Ten Shillings.

7 The teacher's occupation of the schoolhouse and land attached thereto, and of the teacher's house, if one be provided, is hereby declared to be an occupancy by sufferance only.

8 In case a teacher shall refuse or neglect to deliver up possession of the schoolhouse and land attached, or of the house, as the case may be, after demand in writing made by or on behalf of the Minister, any Police or Stipendiary Magistrate, to whom the Minister applies in writing therefor (setting forth the facts of the case), shall issue a warrant addressed to all constables, commanding them to enter into the premises and give possession of the same to the Minister; and such warrant may and shall be enforced in like manner, and with the like protection, as a warrant issued under "The Recovery of Possession of Tenements Act, 1901," and the form of warrant set forth in the Schedule to that Act may be altered for the purposes of this Section.

Repeal and re-enactment of Section 8 of "The Education Act, 1898," 62 Vict. No. 37.
Minister or Board of Advice may require information.

Penalty for disturbance, &c. Cf. 38 & 39 Vict. No. 11, s. 22 (S.A.), & 63 Vict. No. 3, s. 18 (W.A.).

The Education Act, 1877, s. 96 (N.Z.).
Teacher occupies by sufferance.

Cf. *ibid.* (N.Z.), s. 49, and *ibid.* (S.A.), s. 28.

Procedure in case teacher neglects to give up possession.

1 Ed. VII. No. 20.

Education of Blind, Deaf, and Mute Children.

9—(1.) It shall be the duty of the parent of any blind, deaf, or mute child between the ages of Seven and Sixteen years to provide efficient and suitable education for such child.

(2.) If the parent of any such child is unable to do so, he shall give notice to the Minister of his inability, and thereafter shall send the child to such institution for the education of blind, deaf, or mute children as the Minister may direct, and shall contribute to the cost of

Cf. The School Attendance Act, 1901, s. 21 (N.Z.).

Compulsory education of blind, deaf, and mute children,

Education Amendment.

A.D. 1905.
—

the maintenance and education thereof of the child as may be agreed between such parent and the Minister.

(3.) If no such agreement is made, then a Police or Stipendiary Magistrate or any Two Justices of the Peace may, on application in that behalf, make an order directing the parent to pay the sum of Ten Shillings per week towards the maintenance and education of the child ; but if the parent proves to the satisfaction of the Magistrate or Justices that he is unable to pay so much, the Magistrate or Justices may make an order for the payment of any less sum than Ten Shillings a week, unless the parent prove to the satisfaction of the Magistrate or Justices that he is unable to pay any sum whatever.

(4.) If the parent of the child fails to provide efficient and suitable education for such child, or to give notice to the Minister that he is unable to do so or to send such child to such institution for blind, deaf, or mute children as the Minister directs, he may be brought before a Police or Stipendiary Magistrate or any Two Justices of the Peace, who may make an order directing such child to be sent to such institution, and may also make an order directing such parent to contribute to the cost of maintenance and education of the child in the manner provided by the last preceding Sub-section. In any information or complaint the allegations that the child is between the ages of Seven and Sixteen years, and that the parent is failing to provide efficient and suitable education for such child, shall be deemed sufficient *prima facie* evidence of the fact until the contrary is proved ; and in every case the parent of the child may be a witness.

(5.) The Magistrate or Justices, on making an order for payment under this Section, shall direct to whom and at what times the moneys payable under the order shall be paid.

(6.) If the person by whom moneys are payable under any such order does not pay the moneys which he may be ordered to pay at the times stated in the order, then such moneys may be recovered in a summary way before any Justice of the Peace, or as a debt in any Court of competent jurisdiction, by the person or persons entitled thereto, or to whom the same are payable.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 33.

AN ACT to further amend "The Mining Companies Act, 1884." A.D. 1905.
[20 November, 1905.] —

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Mining Companies Amendment Act, 1905." Short title.

2 "The Mining Companies Amendment Act, 1900," is hereby repealed. Repeal of "The Mining Companies Amendment Act, 1900."

3 From and after the commencement of this Act, in every instance where "The Mining Companies Act, 1884," requires a notice or advertisement to be inserted or published in a newspaper published in *Hobart*, and in a newspaper published in *Launceston*, such notice or advertisement shall also be inserted or published in a like manner and for a like number of times in a local newspaper (if any) published in the Mining District nearest to or where the Company to which the

Notices, &c., to be published in local newspaper.

4d.]

Mining Companies Amendment.

A.D. 1905.
—

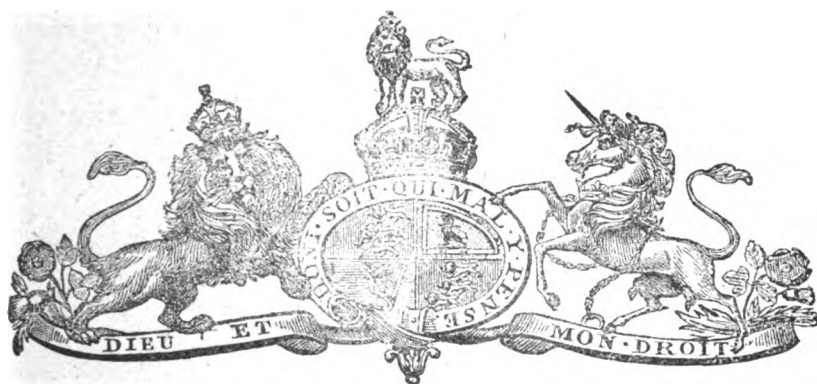
notice or advertisement relates intends at the date of the advertisement to carry on mining operations, or is carrying on mining operations, as the case may be.

Publication of
Second and
subsequent
notices.

4 Where by Section Forty-four of the said Act any notice or advertisement is required to be published more than Once in any newspaper, every such notice or advertisement after the First shall be sufficient if it contains—

- i. The name of the Company :
- ii. The purport and object of such first notice or advertisement :
- iii. The name of the newspaper in which, and the date on which, such first notice or advertisement was published.

T A S M A N I A.

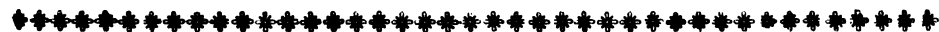


1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 34.



AN ACT to amend "The Mining Companies (Foreign) Act." [20 November, 1905.] A.D. 1905. —

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Mining Companies (Foreign) Amendment Act, 1905." Short title.

2 Section Six of "The Mining Companies (Foreign) Act" is hereby amended by inserting after the word "*Launceston*" the following words :—"and in a local newspaper (if any) published in the Mining District nearest to, or where the Company is carrying on, or intends, at the date the declaration is made, to carry on mining operations." Amendment of Section Six of "The Mining Companies (Foreign) Act."

JOHN VAIL.
GOVERNMENT PRINTER, TASMANIA.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 35.

AN ACT to amend "The Foreign Companies Act," "The Foreign Companies Act, No. 2," and for other purposes. [20 November, 1905.] A.D. 1905.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Foreign Companies Amendment Act, 1905." Short title.

2—(1.) All the provisions of "The Foreign Companies Act," or "The Foreign Companies Act, No. 2," which in any way incapacitate or have incapacitated a Foreign Company, being a Trustee and Executors Company incorporated or established according to the laws of some part of His Majesty's dominions other than *Tasmania*, from taking, holding, conveying, transferring, or disposing of land in *Tasmania*, for an estate of freehold, or which, by imposing any condition or otherwise in any way, render or have rendered any such Company incompetent to so take, hold, convey, transfer, or dispose of any land in *Tasmania*, shall 4d.]

Repeal in certain cases of provisions of Foreign Companies Act and Foreign Companies Act, No. 2, which incapacitates Foreign Trustees and Executors Company from holding, &c., land,

Foreign Companies Amendment.

A.D. 1905.
—

be deemed to be and are hereby repealed, as from the time of the commencement of "The Foreign Companies Act," so far as relates to any land in *Tasmania* comprised in any conveyance, transfer, or assurance, or devised by any will, codicil, or other testamentary disposition made or purporting to have been made prior to the passing of this Act, in that part of His Majesty's dominions in which such Company shall be incorporated or established as aforesaid, to or in favour of such Company.

Validation of past
conveyances, &c.

(2.) All conveyances, transfers, or assurances of, or dealings with, any such land made or purporting to have been made by any such Company since the passing of "The Foreign Companies Act," shall be as valid and effectual in all respects as if "The Foreign Companies Act," or "The Foreign Companies Act, No. 2," had never been passed.

In certain cases
such Company
relieved from
registration, &c.

(3.) No such Company shall, by reason of acquiring, holding, or disposing of, or dealing with any such land as aforesaid, be compellable to register or to pay any deposit of money to the Treasurer of *Tasmania* under the said Acts, or either of them.

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 36.



AN ACT to further amend "The Marine Boards Act, 1889," and for other purposes. A.D. 1905.
[20 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Marine Boards Amendment Act, 1905," and shall be incorporated with, and, so far as consistent with the tenor thereof, shall be construed as one with "The Marine Boards Act, 1889" (hereinafter referred to as the Principal Act), and any Acts amending the same. Short title.

2 Notwithstanding anything to the contrary contained in Section sixty-one of the Principal Act, on and after the First day of *January*, one thousand nine hundred and six, all sums of money whatsoever, other than Lighthouse Rates, by the Principal Act or any Amendment thereof directed to be paid to an officer appointed as Collector by a Board for the purposes of the Principal Act, shall be paid over by Amendment of Section 61 of Principal Act.
4d.]

Marine Boards Amendment.

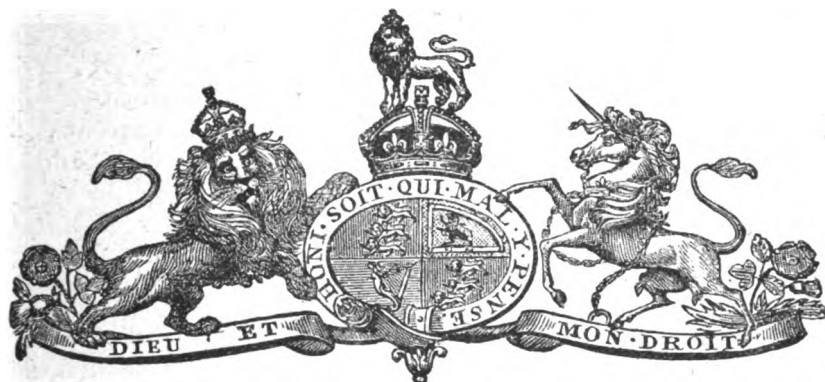
A.D. 1905.
—

such Officer to the Board within whose jurisdiction the same were paid or levied ; and such moneys shall be applied by the Board to and for the purposes and objects of the Principal Act, and shall be funds at its disposal for such purposes.

Amendment of
Section 14 of
56 Vict. No. 57.
62 Vict. No. 36.

3 The words “ not being a vessel whose port of registry is within the Colony of *Tasmania* ” inserted after the words “ every vessel ” in the Second line of Section Fourteen of “ The Marine Boards Amendment Act, 1892,” by virtue of the enactment contained in Section Four of “ The Marine Boards Amendment Act, 1898,” are hereby repealed and expunged from Section Fourteen aforesaid.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 37.

AN ACT to further amend "The Stock Act." A.D. 1905.
[20 November, 1905.] —

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Stock Act, 1905."

Short title.

2 "The Stock Act, 1903," is hereby repealed.

Repeal.
3 Ed. VII. No. 40.

3 In the construction of this Act—

Interpretation.

"Carrying ticks or lice" means affected by ticks or lice :

"Clean certificate" means a certificate in force and given under Section Four of this Act, and includes any similar certificate in force and given under "The Stock Act, 1903 :"

"Dipped," or "dip," means thoroughly immersed in some effective preparation for destroying ticks and lice :

"Lice" means the insects called *Trichodectes sphaerocephalus* :

8d]

Stock.

A.D. 1905.

“Shearing,” used in Section Five of this Act in relation to the period of the year when sheep are shorn, means any time between the First day of *July* in any year and the First day of *March* in any succeeding year :

“Ticks” means the insects called *Melophagus ovinus*, and includes the pupæ of such insects.

Sheepowner may obtain clean certificate.

4—(1.) Any sheepowner may at any time apply in writing, in the form in Schedule (1.) hereto, to the Chief Inspector for a certificate that his sheep and lambs, specified in his application, are free from ticks and lice (in this Act called a clean certificate), and thereupon such sheep and lambs shall be examined by the Chief Inspector or by an Inspector authorised by him in that behalf, who shall, if satisfied that the said sheep and lambs are free from ticks and lice, grant a clean certificate in the form in the Schedule (2.) hereto.

(2.) The application shall be supported by a statutory declaration in the form in Schedule (1.), made by such sheepowner before a Justice of the Peace, that such sheep and lambs are free from ticks and lice, and have been so for the preceding Six months.

(3.) Every such clean certificate shall continue in force until cancelled by the Chief Inspector upon his ascertaining that the sheep and lambs to which the certificate relates are no longer free from ticks and lice.

Sheep to be dipped.

5—(1.) Subject to the provisions of Sub-section (4.) of this Section, every sheepowner shall dip all his sheep immediately after shearing, and directly from the shearing-board, in every year, and shall also at the time of dipping his sheep dip all his lambs: Provided that in case such sheep cannot be conveniently dipped directly from the shearing-board, then the said sheep and all lambs shall be placed and kept in a securely fenced paddock, and shall be dipped within Twenty-eight days after such sheep have been shorn. If any sheepowner neglects or fails to comply with any of the provisions of this Sub-section, he shall be liable upon summary conviction to a penalty of not less than One Pound, and not exceeding Twenty Pounds.

(2.) Any sheepowner who refuses to satisfy an Inspector that his sheep and lambs have been duly dipped shall be liable to a penalty of not more than Five Pounds nor less than One Pound.

Owner to make return.

(3.) Every sheepowner shall, within One month after he has dipped his sheep and lambs as aforesaid, make a return to the Chief Inspector, in the form in Schedule (3.); and any sheepowner neglecting or refusing to make such return shall forfeit and pay a penalty not exceeding Five Pounds nor less than One Pound.

Holder of clean certificate in force not compelled to dip.

(4.) No sheepowner holding a clean certificate for sheep or lambs shall be compelled to dip the sheep or lambs for which he holds such certificate whilst such certificate continues in force.

(5.) Any sheepowner who refuses or neglects to shear his sheep and lambs annually (except those lambs that he may intend to keep as hoggets), within the shearing time as defined by this Act, shall be liable to a penalty not exceeding Twenty Pounds nor less than Five Pounds.

Stock.

6 The Chief Inspector, or any Inspector (being an officer of the Stock Department permanently employed in the Public Service of *Tasmania*) authorised by him in writing, shall have power to enter at any time into any conveyance, or upon any land or premises, for the purpose of inspecting or examining any sheep or lambs, and may require the sheepowner, or any person in charge thereof, to muster such sheep or lambs; and such sheepowner or person shall comply with every reasonable request without unnecessary delay; provided that such muster shall not be compulsory from the First day of *May* to the Thirtieth day of *September* inclusive; and the Chief Inspector shall have all such other powers and authorities as may be necessary to enable him to enforce the provisions of this Act.

A.D. 1905

Power of Chief Inspector.

7—(1.) If the Chief Inspector is informed by a sheepowner that any sheep or lambs in his flock are carrying ticks or lice, or ascertains by examination made by himself or by an Inspector that any sheep or lambs in a flock are carrying ticks or lice, he may give the owner notice to dip such flock within Fourteen days to the satisfaction of the Chief Inspector or of an Inspector named by him: Provided that such owner shall not be compelled or obliged to dip any unshorn sheep or lambs in the months of *May, June, July, August, September, October, or November.*

Chief Inspector may notify owner to dip sheep found carrying ticks or lice (certain months excepted).

(2.) Every such owner who refuses, neglects, or fails to comply with such notice on or before the date specified therein, shall upon conviction be liable to a penalty not exceeding Ten Pounds; and if within Seven days after the date of such conviction such flock shall not be dipped to the satisfaction of the Chief Inspector, or of an Inspector named by him (being an officer of the Stock Department permanently employed in the Public Service of *Tasmania*), such owner shall, upon conviction, be liable to a further penalty of not less than Five Pounds, and not exceeding Twenty Pounds; and so on for each and every succeeding conviction.

Penalty for refusal, &c.

8 Where in any case the Chief Inspector or any Inspector (being an officer of the Stock Department permanently employed in the Public Service of *Tasmania*) orders or directs any sheep or lambs to be collected, dipped, or driven, such sheep or lambs shall be collected, dipped, or driven by or at the cost of the owner thereof; and where the owner of such sheep or lambs, or any person in charge thereof, refuses to collect, dip, or drive them when ordered or directed by the Chief Inspector or any Inspector (being an officer of the Stock Department permanently employed in the Public Service of *Tasmania*), all reasonable expenses incurred in collecting, dipping, or driving such sheep or lambs may be recovered from such owner before any Two Justices of the Peace in a summary way.

Matters to be done at the cost of owner of sheep.

9 If any person driving or in charge of sheep or lambs travelling to market or sale-yards, or from one part of the State to another, finds any of the said sheep or lambs carrying ticks or lice and unable to

Disposal of sheep unable to travel.

Stock.

A.D. 1905.

travel, he shall either take such sheep or lambs on in a cart or other conveyance, or leave the same in the care of some person who will take charge thereof, so that the said sheep or lambs may not be left upon any road or the land or run of any sheepowner through whose land the same are being driven; and any person infringing this provision shall on conviction forfeit and pay a penalty not exceeding Ten Pounds.

Abandoning sheep.

10 Any person abandoning any sheep or lambs carrying ticks or lice on any road or land without destroying such sheep or lambs shall forfeit and pay a penalty not exceeding Five Pounds.

Sheep carrying ticks or lice found travelling or in sale-yard.

11 If any sheep or lambs carrying ticks or lice shall be found by any Inspector, either travelling or in any public place or sale-yard, or on any land or other place at which sheep or lambs are offered for sale, the owner of such sheep or lambs shall be liable to a penalty of not more than Five Pounds.

Provision as to sheep imported for immediate slaughter.

12 All sheep and lambs which shall be imported into *Tasmania* for the purpose of immediate slaughter shall be dealt with as prescribed by Regulations to be made by the Governor.

Owner to notify if sheep found carrying ticks or lice after certificate granted.

13 The owner of any sheep or lambs for which a clean certificate has been given shall forthwith give notice to the Chief Inspector should such sheep at any time be found to have ticks or lice upon them, and thereupon such certificate shall become null and void. If any such owner fails to comply with this provision, he shall be liable to a penalty of not more than Five Pounds.

Provision in case of absence of sheepowner.

14 Whenever a sheepowner is absent from *Tasmania* at the time when any act required by this Act to be done by a sheepowner ought to be done by him, his manager or any other person in charge of his sheep shall do such act, and shall be deemed for the purposes of this Act to be the sheepowner, and be subject to the same liabilities as if he were the sheepowner.

Obstructing Inspector, &c.

15 If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, any Inspector, or any person duly employed or authorised by the Chief Inspector under this Act in the exercise of his powers or in the performance of his duty, or threatens or assaults, or uses improper or abusive language to any Inspector or any of the persons aforesaid, every person so offending shall for any such offence, if not otherwise specially provided for, forfeit and pay a penalty not less than One Pound nor exceeding Ten Pounds: Provided that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at law by any Inspector or any of the persons aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if

Stock.

this Act had not been passed, any law or usage to the contrary A.D. 1905.
notwithstanding.

16 Every person who wilfully makes any false declaration or return under this Act shall forfeit and pay a penalty not exceeding Five Pounds. Penalty for false declaration or return.

17 All offences against this Act shall be heard and determined, and all penalties and sums of money imposed or made payable by this Act shall be recovered, in a summary way, by and before any Two Justices of the Peace, in the manner directed by *The Magistrates Summary Procedure Act*; and an information may be laid by an Inspector against any person for any offence against this Act. Recovery of penalties, &c.

Every person who deems himself aggrieved by any summary conviction or order under this Act may appeal therefrom in the manner provided by *The Appeals Regulation Act*. Appeal.

18 All sums of money appropriated under the provisions of any Act of Parliament for and towards the purposes of "The Stock Act" Fund, shall be paid and payable into and towards the Consolidated Revenue Fund, except within a Rural Municipality. Appropriation of moneys payable to Stock Fund.

19 The Governor may, from time to time, make, alter, or repeal such Regulations as he may deem necessary or expedient for all or any of the following purposes :— Power to make Regulations.

- I. For any purpose that may tend to prevent sheep and lambs becoming affected or continuing affected by ticks or lice :
- II. Prescribing, for the protection of sheep and lambs free from ticks and lice, the conditions to be complied with in relation to any sheep or lambs which shall be imported into the State of *Tasmania*, upon the same being so imported ; and by whom such conditions shall be complied with ; and for imposing any necessary fees and charges, and prescribing by and to whom and when the same shall be paid :
- III. And generally for such purposes as he may deem necessary or expedient for carrying out the objects and purposes of this Act in all matters of detail whatsoever.

20 In and by any Regulations made under this Act the Governor may prescribe the maximum and minimum penalties for any breach hereof in such manner that the maximum penalty for any offence shall not exceed in any case the sum of Twenty Pounds. Penalties for breach.

21 Every Regulation made by the Governor under the authority of this Act shall be published in the *Hobart Gazette*, and after publication therein shall have the force of law, and be judicially noticed in every Court of Justice. Regulations to be published in Gazette.

Stock.

A.D. 1905.

Copies to be laid
before
Parliament.

22 Copies of all Regulations made under this Act shall be laid before both Houses of Parliament within Fourteen days of the making thereof if Parliament is then in Session, and if not, then within Fourteen days after the commencement of the next sitting thereof for the despatch of business.

Amendment or
repeal of
Regulations.

23 If an Address shall be presented to the Governor by the Legislative Council and House of Assembly respectively in the same Session of Parliament, requesting that any Regulation be amended in any respect or be repealed, the Governor may forthwith amend or repeal such Regulation accordingly.

Acts to be read
together.

24 This Act and "The Stock Act," and every Act amending the same, save as amended by this Act, shall be read and construed together as one and the same Act.

SCHEDULE.

(1.)

Sec. 4.

"THE STOCK ACT, 1905."

APPLICATION FOR CLEAN CERTIFICATE.

To the Chief Inspector.

I, *A.B.*, hereby request you to inspect my flock of Sheep and Lambs depastured at
in the District of _____, for the purpose of issuing
a Certificate that they are now free from Ticks and Lice.

A.B.,*Owner.*

I, the abovenamed *A.B.*, do hereby solemnly and sincerely declare that, to the best of my knowledge and belief, the abovementioned Sheep and Lambs are now free from Ticks and Lice, and have been so for the past Six months: All which matters I conscientiously believe to be true; and I make this Declaration under the provisions of "The Statutory Declarations Act, 1837."

A.B.,*Owner.*

Taken before me at
in Tasmania, this
day of

190

}
J.P. }

Stock.

(2.)

"THE STOCK ACT, 1905."

CLEAN CERTIFICATE.

A.D. 1905.

Sec. 4.

I, THE undersigned Chief Inspector [or Inspector] of Sheep, having this day carefully examined the Sheep and Lambs mentioned in the Schedule below, and made due enquiry concerning them, do hereby certify that such Sheep and Lambs are now free from Ticks and Lice.

Dated the day of 19 .

Chief Inspector [or Inspector] of Sheep.

This Certificate is to remain in force until cancelled by the Chief-Inspector, pursuant to "The Stock Act, 1905."

Schedule referred to above.

Number.	Description.	Brands or Marks.	Name and Address of Owner and of Person in charge.

(3.)

RETURN of Sheep dipped by the undersigned in accordance with the provisions of "The Stock Act, 1905."

Name and Address of Owner or person in charge.	Name of Ruu.	Date when dipped.	Number of Sheep.	Brands and other Marks.	Nature and Strength of Mixture.

I, A.B., of do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several particulars therein set forth, all of which matters I conscientiously believe to be true; and I make this Declaration under the provisions of "The Statutory Declarations Act, 1837."

A.B.,

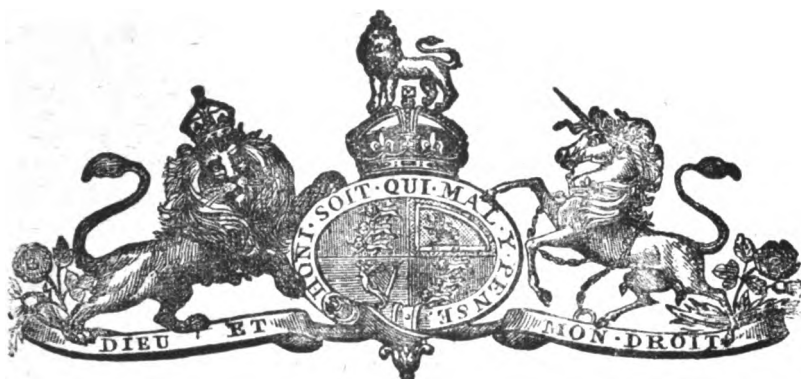
Owner.

Taken before me at
in Tasmania, this
day of

190

J.P.)

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 38.

AN ACT to further amend "The Game Protection Act, 1895." [20 November, 1905.] A D. 1905. —

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Game Protection Act, 1905," and shall be incorporated with, and, so far as consistent with the tenor thereof, shall be construed as one with "The Game Protection Act, 1895" (hereinafter referred to as the Principal Act), and any Acts amending the same. Short title.

2 In this Act, "Prescribed" means prescribed by this Act, or by the Regulations for the time being in force under this Act. Interpretation.

4d.]

Game Protection Act Amendment.

A.D. 1905.

Governor may prohibit hunting of kangaroo, deer, or opossum during open season in certain places.

Penalty for contravention.

3 It shall be lawful for the Governor from time to time, by Proclamation published in the *Hobart Gazette*, to declare that Kangaroo, Deer, or Opossum shall not be killed, taken, or captured during any time, to be stated in such Proclamation, in such parts of *Tasmania* as may be described and set forth in such Proclamation; and every person (whether the holder or not of a licence to hunt Kangaroo, Deer, or Opossum) acting in contravention of such Proclamation, shall for every offence be liable upon summary conviction to forfeit and pay a penalty not less than Two Pounds, and not exceeding Ten Pounds, and shall, in addition, forfeit every skin or carcase of any Kangaroo, Deer, or Opossum found in his possession, which shall thereupon become the property of the Crown.

Amendment of Section Twenty of the Principal Act.

4 Section Twenty of the Principal Act is hereby amended by inserting at the end of line Eight the following words, namely:—
“and shall, in addition to any such penalty, forfeit every such skin or carcase, which shall thereupon become the property of the Crown.”

Repeal and re-enactment of Section Twenty-two of the Principal Act.

5 Section Twenty-two of the Principal Act is hereby repealed, and the following Section substituted in lieu thereof:—

“**22** Every licence to hunt Kangaroo, Deer, or Opossum shall be in the prescribed form, and may be issued by any person authorised by the Commissioner of Crown Lands to issue such Licences, to such person as he sees fit; and such licence shall be in force in the district named or described in such licence, and not elsewhere, for the period named.”

Amendment of Section Twenty-four of the Principal Act.

6 Section Twenty-four of the Principal Act is hereby amended by omitting therefrom the words “Police Magistrate of the district in which such person resides a licence in the form in the Schedule (4.),” and inserting in lieu thereof the words “Commissioner of Crown Lands or any person authorised by him to issue the same, a licence in the prescribed form, which such Commissioner or person may in his discretion grant upon payment of the prescribed fee, and.”

Repeal and re-enactment of Section Twenty-five of Principal Act.

7 Section Twenty-five of the Principal Act is hereby repealed, and the following Section substituted in lieu thereof:—

“**25** There shall be paid upon the issue of any such licence as is hereinbefore mentioned, such fees as may be prescribed by Regulations to be made by the Governor for such purpose; and all sums of money received for licences shall be paid into the Treasury, and form part of the Consolidated Revenue Fund.”

Fee for licence.
Appropriation of fees.

Governor may make Regulations for issuing licences.

8 In addition to the power of making Regulations conferred by Section Sixteen of the Principal Act, the Governor may make Regulations for the following purposes, or any of them—

1. Prescribing the form of licence to be issued under Sections Twenty-two and Twenty-four of the Principal Act as amended by this Act:

Game Protection Act Amendment.

- ii. Prescribing the time during which such licences may be issued, and the time during which they shall be in force : A.D.1905.
—
iii. Prescribing the fees to be paid upon the issue of such licences :
iv. For any other purpose for the more effectual execution of this Act.

And similar procedure shall be adopted in making any such Regulations as in making any Regulations under the provisions of the Principal Act.

9 Notwithstanding anything to the contrary contained in Section Eight of the Principal Act, the breeding season for *Cape Barren* Geese shall be deemed to be from the First day of *June* to the last day of *December* in each year.

Amendment of
Section 8 of
Principal Act.
Breeding season
of *Cape Barren*
Geese.

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 39.



AN ACT to amend "The Youthful Offenders, Destitute and Neglected Children Act, 1896." A.D. 1905.
[20 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Youthful Offenders, Destitute and Neglected Children Act, 1905." Short title.

2 In this Act, unless inconsistent with the context—

"Age" means, in the absence of positive evidence as to age, the apparent age:

"Child" means any boy under the age of Sixteen years, and any girl under the age of Eighteen years.

Interpretation.

3 Every examination concerning a charge against any child, and the hearing or trial of every charge, complaint, and information against any child before a Police or Stipendiary Magistrate, or a Justice or Justices of the Peace—

1. Shall, in a city and also wherever the Governor by Proclamation published in the *Hobart Gazette* appoints, be held

Provision for hearing charges, &c., against a child in a room or place other than Police Office, &c.

4d.]

Youthful Offenders, Destitute and Neglected Children.

A.D. 1905.

in some room or place approved of or appointed in that behalf by the Attorney-General of the State, and not in any Police Office or Court-room commonly used, any Act or law heretofore in force to the contrary notwithstanding:

ii. May, in any other place, be held in any Police Office or Court-room, but so that the examination, hearing, or trial shall be held at an hour other than that at which the ordinary business of the Court is being transacted.

But the Attorney-General may, whenever he thinks proper, by notice in writing, addressed to the Clerk of Petty Sessions of the appropriate Court, suspend the operation of this Section or of any provision thereof in any particular case.

Exclusion of
persons.

4 At any such examination, hearing, or trial before a Police or Stipendiary Magistrate, or Justice or Justices of the Peace, he or they shall order that all persons not directly concerned in the case shall be excluded from the Court-room or place of hearing or trial.

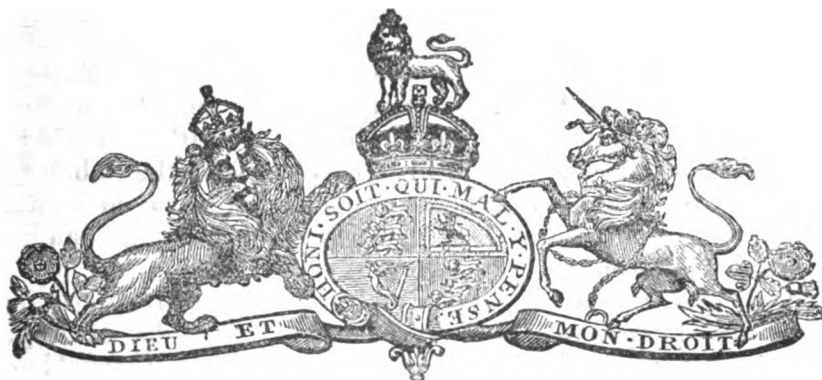
Separate charge-
book.

5 The record of the examination, hearing, or trial of every charge, complaint, and information against any child under this Act shall be kept in a charge-book other than that in general use in the city or place where such examination, hearing, or trial is held.

Room, &c.,
approved of to be
deemed Public
Court.

6 Every room or place approved of or appointed by the Attorney-General for the purposes of this Act pursuant to Section Three shall, during the time the same is used pursuant to this Act, be deemed a duly constituted Public Court.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 40.

AN ACT to entitle certain Persons to receive Pensions upon their retirement from the Public Service of *Tasmania*.

A.D. 1905.

[20 November, 1905.]

WHEREAS *Arthur Colhoun*, a Sub-Inspector of Police in the Police Force of *Tasmania*, and Registrar of the Courts of Requests and General Sessions at *Stanley*, was, on the Fourteenth day of *September*, One thousand eight hundred and sixty-one, appointed a Police Constable in the Police Force of *Tasmania*, and stationed at *Fingal* :

PREAMBLE.

Arthur Colhoun.

And whereas, on the formation of the Rural Municipality of *Fingal*, the said *Arthur Colhoun* was, on the Twenty-eighth day of *February*, One thousand eight hundred and sixty-three, transferred to a position in the Police Force of that Municipality :

And whereas the said *Arthur Colhoun* remained in the service of the said Municipality until the month of *September*, One thousand eight hundred and sixty-seven :

And whereas the said *Arthur Colhoun* was, on the Twenty-ninth day of *February*, One thousand eight hundred and sixty-eight, 4d.]

Pensions.

A.D. 1905.

appointed a Police Constable in the Territorial Police Force, since when his service to the Government of *Tasmania* has been continuous:

And whereas it is desirable that he should be entitled to the benefit of *The Superannuation Act* upon his retirement from the Public Service of *Tasmania* in the same manner as if his service had been continuous since the said Fourteenth day of *September*, One thousand eight hundred and sixty-one:

*Patrick
Finnigan.*

And whereas *Patrick Finnigan*, formerly a Sub-Inspector in the Police Force of *Tasmania*, was, on the Twenty-third day of *May*, One thousand eight hundred and sixty, appointed a Police Constable in the Police Force of *Tasmania*, and stationed in the District of *Green Ponds*:

And whereas, on the formation of the Rural Municipality of *Green Ponds*, the said *Patrick Finnigan* was, on the Seventh day of *March*, One thousand eight hundred and sixty-two, transferred to a position in the Police Force of that Municipality:

And whereas the said *Patrick Finnigan* remained in the service of the said Municipality until the First day of *January*, One thousand eight hundred and ninety-nine, when he became a Member of the Police Force of *Tasmania*:

And whereas it is desirable that a pension should be paid to the said *Patrick Finnigan*:

Francis Martini.

And whereas *Francis Martini*, now Magazine-keeper and Inspector of Explosives at *Launceston*, was, on or about the Second day of *September*, One thousand eight hundred and sixty-one, appointed a Musketry Instructor in the Defence Force of *Tasmania*, and during the remainder of that year and the Two succeeding years he continued to hold that position, and was remunerated by certain fees paid to him by the *Tasmanian* Government:

And whereas on the First day of *January*, One thousand eight hundred and sixty-four, the said *Francis Martini* was appointed to a salaried office in the Public Service of *Tasmania*:

And whereas it is desirable that a Pension should be paid to the said *Francis Martini* upon his retirement from the Public Service of *Tasmania*:

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Arthur Colhoun
to have benefit of
24 Vict. No. 15.

1 It shall be lawful for the Governor to grant a superannuation allowance, in accordance with and subject to the provisions of *The Superannuation Act*, to the said *Arthur Colhoun*, upon his retirement from his office in the Public Service of *Tasmania*, as if his service had been continuous from the said Fourteenth day of *September*, One thousand eight hundred and sixty-one.

Annual pension
of £26 payable
to *Patrick
Finnigan.*

2 There shall be payable out of the Consolidated Revenue Fund to the said *Patrick Finnigan* an annual pension of Twenty-six Pounds during his life; and such pension shall be paid monthly, commencing from the date of the passing of this Act.

Pensions.

3 There shall be payable out of the Consolidated Revenue Fund to the said *Francis Martini*, upon his retirement from his office in the Public Service of *Tasmania*, an annual pension of Sixty Pounds during his life; and such pension shall be paid monthly, commencing from the date of his retirement.

A.D. 1905.

Annual pension
of £60 payable
to *Francis
Martini*.

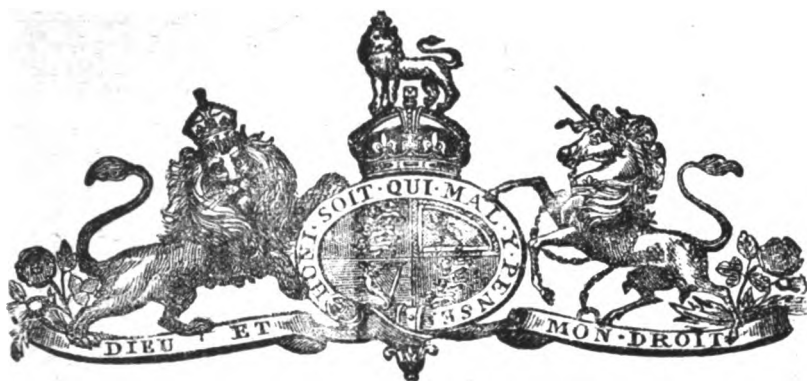
4 The Governor shall from time to time issue his Warrant to the Treasurer for the payment of the said pensions to the said *Patrick Finnigan* and *Francis Martini* respectively, and the same shall thereupon be paid by the Treasurer to the said *Patrick Finnigan* and *Francis Martini* respectively, or to such persons as they, by writing under their respective hands, may respectively appoint to receive the same.

Treasurer to pay
pensions upon
Governor's
Warrant.

5 It shall be lawful for the Governor, by Warrant under his hand, in case of the death of the said *Patrick Finnigan* or of the said *Francis Martini* during the currency of any month, to direct payment to be made to the personal representatives of the deceased person of a proportionate part of such pension up to the day of his death.

In case of death,
payment of
proportion of
pension to
personal repre-
sentatives.

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 41.

AN ACT to provide for the Alteration of A.D. 1905.
certain Salaries fixed by Law, for and —
during the Year ending the Thirtieth day
of *June*, 1906. [20 November, 1905.]

WHEREAS it is expedient and necessary for and during the PREAMBLE.
Year ending the Thirtieth day of *June*, One thousand nine hundred
and six, that a reduction and alteration should be made in certain
Salaries now fixed by Law :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 In lieu of the Salaries mentioned in the Schedule to the Act of Salaries payable
the Parliament of *Tasmania*, intituled "An Act to fix the Salaries of to Ministers.
the Responsible Ministers of the Crown," so far as relates to the year 46 Vict. No. 9.
ending the Thirtieth day of *June*, One thousand nine hundred and six,
there shall be paid and applied out of the Consolidated Revenue Fund
for the year ending the Thirtieth day of *June*, One thousand nine
hundred and six, as the Salaries of the persons holding the offices
named in the Schedule (1.) hereto, the sums set opposite such offices
4d.]

Alteration of Salaries fixed by Law.

A.D. 1905.

18 Vict. No. 17.

Salaries payable
to Officers of
the Executive
Council and
Parliament under
46 Vict. No. 10.

in the said Schedule (1.) ; and the provisions of Section Thirty of *The Constitution Act* shall be applicable in respect of such sums in the same manner as if they were inserted in Schedule B. of that Act instead of the sums therein specified as Salaries in respect of certain of the said offices.

2 There shall be paid and applied out of the Consolidated Revenue Fund for and during the year ending the Thirtieth day or *June*, One thousand nine hundred and six, as the Salaries for that period of the persons holding the offices named in the Schedule (2.) hereto, the sums set forth opposite such offices in the said Schedule (2.), and such payment shall be, for the said year, in lieu of the Salaries mentioned in the Schedule (1.) to the Act of the Parliament of *Tasmania*, intituled "An Act to fix the Salaries payable to the Officers of the Executive Council and of the Parliament of *Tasmania*," as the Salaries of the persons holding the offices named in the Schedule (2.) hereto.

SCHEDULE.**(1.)**

	£
Attorney-General	750
Chief Secretary.....	750
Treasurer	750
Minister of Lands and Works.....	750

(2.)*Executive Council.*

Clerk of the Executive Council	Nil
--------------------------------------	-----

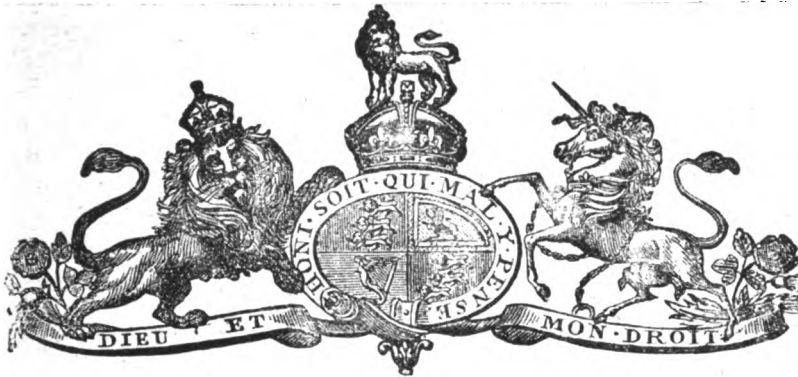
Legislative Council.

	£	s.	d.
President	350	0	0
Clerk of the Council	33	6	8
Usher of the Black Rod	10	0	0

House of Assembly.

Speaker	350	0	0
Chairman of Committees	250	0	0
Clerk of the House and Librarian to the Parliament	375	0	0

TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 42.

AN ACT to provide for the Execution of A.D. 1905.
certain Public Works. [20 November, 1905.] —

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled as follows :—

1 In this Act, unless the context otherwise determines—
“The Minister” means the Minister of Lands and Works for the time being, and includes any person appointed by him or acting under his orders. Interpretation.

2 It shall be lawful for the Minister to cause to be constructed, improved, executed, or completed, the works mentioned in the Schedule (1.), at a cost for each separate work not exceeding the amounts set forth in the said Schedule (1.). Minister to cause works to be constructed.

3 The cost of the several works specified in the Schedule (1.) shall be defrayed partly out of moneys provided by Parliament for the several works mentioned in the Schedule (2.), and it shall be lawful for the Treasurer to appropriate the same accordingly, and partly out of moneys to be provided by Parliament for that purpose. Appropriation for works in Schedule.
[s. 2d.]

Public Works Execution.

A.D. 1905.

Money not
required for work
may be expended
by Minister on
other works.

4 If the Minister at any time reports to the Governor that the whole or any portion of the money voted by this Act or any previous Act providing for the execution of Public Works is not required to be expended upon the work for which such money is voted, it shall be lawful for the Minister to expend such balance, provided it does not exceed Fifty Pounds, upon such other work or works previously authorised by Parliament as he may think fit : Provided that such lastmentioned work is situated in the same Assembly Electoral District as the work for which such money was originally voted.

Provisions of
44 Vict. No. 32.
and 45 Vict.
No. 31 to be
applicable.

5 All the provisions contained in "The Public Works Construction Act, 1880," and "The Branch Roads Construction Act, 1881," shall extend and apply to the works mentioned in the said Schedule as fully in all respects as if the said provisions had been incorporated in this Act.

Ministers may
expend less sum
than appropriated
in certain cases.

6 Where in this Act any sum or sums of money are authorised to be expended on any work, conditionally on any further sum of money being contributed by any person or persons or any public body towards such work, it shall be lawful for the Minister, with the approval of the Governor, to expend any less amount on such work, conditionally upon a proportionate amount being contributed towards such work by the person or persons or public body referred to in this Act.

Return of
Customs Duties.

7 Where in this Act any sum or sums of money are authorised to be expended in the purchase of any item, Three-fourths of the money paid as Customs duty on such item shall be repaid by the Treasurer to reimburse the vote to that extent.

Re-appropriation
of part of
Item 107,
61 Vict. No. 17.

8 It shall be lawful for the Minister to expend a sum not exceeding Ninety-four Pounds, part of the sum of One hundred Pounds appropriated for Item 107 of the Schedule (1.) to the Act 61 *Victoriæ*, No. 17, towards the construction, improvement, execution, or completion of Road, *Chuan to Upper Liffey*, and it shall be lawful for the Treasurer to appropriate the same accordingly.

Re-appropriation
of Item 230,
62 Vict. No. 59.

9 The sum of Fifty Pounds appropriated for Item 230 of the Schedule (1.) to the Act 62 *Victoriæ*, No. 59, is hereby re-appropriated towards the construction, improvement, execution, or completion of Road to *Gravelly Beach, West Tamar*, and it shall be lawful for the Treasurer to re-appropriate the same accordingly.

Re-appropriation
of part of
63 Vict. No. 41,
Item 212, and of
1 Ed. VII. No. 49,
Item 185.

10 It shall be lawful for the Minister to expend a Sum not exceeding Two hundred and sixteen Pounds One Shilling and Sixpence, part of the Sum of Two hundred and fifty Pounds appropriated for Item 212 of the Schedule (1.) to the Act 63 *Victoriæ*, No. 41, and also the Sum of Two hundred and fifty Pounds, appropriated for Item 185 of the Schedule (1.) to the Act 1 *Edwardi VII.* No. 49, towards the construction, improvement, execution, or completion of the Road

Public Works Execution.

at *Barn Hill (Hobart to Kingston)*, and it shall be lawful for the Treasurer to appropriate accordingly the sums hereby authorised to be expended. A.D. 1905.

The condition as to local contribution in Item 185 of the Schedule to Act 1 *Edwardi VII.* No. 49 is hereby expunged from the said Schedule.

11 The sum of One hundred Pounds appropriated for Item 90 of the Schedule (1.) of the Act 3 *Edwardi VII.* No. 27 is hereby re-appropriated towards the construction, improvement, execution, or completion of the *York Town Road*, and it shall be lawful for the Treasurer to re-appropriate the same accordingly. Re-appropriation of Item 90, 3 Ed. VII. No. 27.

12 It shall be lawful for the Minister to expend the sum of Fifty Pounds appropriated for Item 73 of the Schedule to the Act 4 *Edwardi VII.* No. 15, in repayment to the *Tasmania Gold Mining Company* of expenditure on Road, *Beauty Point to Beauconsfield*, incurred by the said Company prior to the First day of *January*, One thousand nine hundred and five, subject to the certificate of the Inspector of Public Works, notwithstanding the proviso to Section Two of the lastmentioned Act has not been complied with. Amendment of Vote 4 Ed. VII. No. 15, Item 73.

13 It shall be lawful for the Minister to expend a sum not exceeding Three hundred and seventy-six Pounds Four Shillings and Five Pence, part of the sum of Four thousand one hundred and fifty Pounds appropriated for Item 133 of the Schedule (1.) to the Act 2 *Edwardi VII.* No. 43, and a sum not exceeding One thousand Pounds, being part of the sum of One thousand five hundred Pounds appropriated for Item 152 of the last-mentioned Schedule, and also the sum of One hundred and twenty-three Pounds Fifteen Shillings and Seven Pence, being part of the sum of Nine thousand Pounds appropriated for Item 171 of the Schedule to the Act 4 *Edwardi VII.* No. 15, towards the completion of Canal, *East Bay Neck*, and it shall be lawful for the Treasurer to appropriate the same accordingly. Re-appropriation of part of Items 133 and 152, 2 Ed. VII. No. 43, and part of Item 171, 4 Ed. VII. No. 15.

14 It shall be lawful for the Minister to expend a sum not exceeding Fifty Pounds, part of the sum provided under Act 55 *Victoriae*, No. 60, *Ulverstone-Burnie Railway*, towards purchase of certain land, *Green Ponds Railway* (49 *Victoriae*, No. 41); and it shall be lawful for the Treasurer to re-appropriate the same accordingly. Re-appropriation of part of amount provided under 55 Vict. No. 60.

15 When in this Act any sum of money is appropriated in and towards any work subject to a condition that an amount of money is to be contributed locally, such money may be contributed by any Local Body interested in such work, or by any persons or person either collectively or individually, and either in money, material, land, or labour, or partly in one and partly in the other, as the Minister shall determine; and it shall be lawful for such Local Body to appropriate out of any funds at their disposal any money towards such contribution. Definition of the term "contributed locally."

Public Works Execution.

A.D. 1905.

Amounts deemed
to be contributed
locally where
Shilling Rate
levied.

Provides for
local contribu-
tion in certain
cases where not
expressly
stipulated for.

Provides for
reducing local
contribution
in certain cases.

16 When in this Act, or any previous Act, any sum of money is appropriated in and towards any work subject to a condition that an amount of money is to be contributed locally, such amount shall be deemed to have been contributed locally if the Trustees of the Road District, if any, in which such work is to be constructed, shall have levied a Road Rate of not less than One Shilling in the Pound in the year in which such work shall be constructed, and prior to the commencement of such work.

17—(1.) Notwithstanding that no local contribution is stipulated for in respect of any particular item in the Schedule (1.) to this Act, if the Trustees of the Road District in which such work specified in such item is to be constructed shall have levied a Road Rate of only—

- i. Sixpence in the Pound, then an amount shall be contributed locally of One-half of the amount set down for such item in the Schedule : or
- ii. Nine Pence in the Pound, then an amount shall be contributed locally of One-quarter of the amount set down for such item in the Schedule.

(2.) Where in the case of any item in Schedule (1.) a condition is imposed that a sum equal to One-half of the vote shall be contributed locally, then if the Trustees of the Road District shall have levied a Rate of Nine Pence in the Pound, the local contribution to be made shall be a sum equal to One-quarter of the vote.

Public Works Execution.

A.D. 1905.

SCHEDULE

(1.)

ROADS.

Wellington—

	£
1. Green Point Settlement, Main Road towards Montagu... ..	200
2. Road, Green Point to Montagu... ..	100
3. Road, Montagu to Smithton... ..	100
4. Road, Montagu to W. Montagu... ..	100
5. Road, Scotch Town Road... ..	100
6. Trowutta Road	200
7. Fahey's Road... ..	100
8. Sunny Hills to Laird's and others... ..	100
9. John's Hill Road	100
10. Young's Hill (Irish Town) Extension... ..	100
11. South Road, Circular Head... ..	100
12. Main Road, from end of metal at Finger-post, to Irish Town, <i>via</i> Smokers' Bank... ..	200
13. Road, Smithton to Mowbray Swamp	200
14. Road to Selections South of Brickmakers' Bay... ..	50
15. Road to Hogarth and others... ..	50
16. Road to Tierney's, Tatlow's, and others... ..	50
17. Road to House's, Medwin's, and others	50
18. Road to House's, Ford's, and Edwards'... ..	50
19. Road, Back Line to Selections in Fern Reserve... ..	50
20. Road, from Main Road at Dallas' North boundary to Brakey's ..	50
21. Calder Road	200
22. Wilkinson's Plains Road	150
23. Flowerdale Road Extension	100
24. Main Road, near Sister's Creek, to Borradale... ..	100
25. Wynyard to Waratah	200
26. Road, Flowerdale to Selections of Riley, Blackwell, and others ...	100

£2900

Waratah—

27. Road, Waratah to Corinna (conditionally on £150 being con- tributed locally)	300
28. Road, Williamsford to Mt. Read	50

£350

Burnie—

29. Road, Burnie to Cam... ..	250
30. Moreville Road, west through Byrne's	100
31. Cam Road, east	50
32. Oonah Road	150
33. Road, Burnie to Waratah	150
34. Main Stowport Road (extension)	100
35. Stowport Road, east of Chasm Creek	100
36. Pine Road, west over Blythe (extension)... ..	100
37. Road, Cam Road, west to Mt. Hicks	150
38. Cam Road, west (between 7th and 8th mile posts)... ..	100
39. Road to Clark's, Heyward's, and others... ..	50
40. Road to Pearce's and others, off Cam Road West, at 6th mile	50
41. Road to Addey's and others, Riana	100
42. Road to Barrett's and Plapp's, Riana	100

Public Works Execution.

A.D. 1905.

43. Pine Road, towards Rudge's, <i>viâ</i> Oliver's, Riana	100
44. Pine Road Extension	50
45. Road to J. Sushame's and others, Riana	50
46. Road to Whitehouse's, Archer's, and others, Riana	50
47. Road, Creamery Road, No. 2	50

£1850

West Devon—

48. South Road, Branch to Hamilton's	100
49. South Road, Leven	100
50. Road to McDonald's and others	100
51. Clerke's Plains Road	100
52. West Castra Road to Stuart's, Chisholm's, and others	100
53. Brett's Road, North Motton	50
54. Gaunt's Road, from Nietta	100
55. Road to Rigg's and Russell's	50
56. Road, Alderson's to Manning's Jetty	100
57. Nietta Road	100
58. Nietta Road Extension to Back Settlement	100
59. Baxter's Road and McFarlane's Road, Branch from Baxter's Road	100
60. Kindred Road to Sprent	100
61. Gunn's Plains Road (extension)	200
62. Payne's Road	50
63. Road, Gunn's Plains to Robertson's Selections	50
64. Lowana Road to Back Settlement, at Kent's	100

£1600

Kentish—

65. Road, Alma to Wilmot	200
66. Road, Wilmot to Sheffield	200
67. Road, Wilmot to Belmont	200
68. West Narrawa Road	100
69. Lehman's Road	100
70. Road, West Devonport to Barrington	250
71. Road, Barrington to Nook, <i>viâ</i> Keep's and Carey's	100
72. Road, Rundle's to Paloona State School	100
73. Road leading to Hutton's, Hay's, Waterhouse's, and Newman's	50
74. Road, Tarleton to Melrose	50
75. Road, High-street, Sheffield, to Nook	100
76. Beulah-Railton Road	100
77. Cross Road, Beulah-Railton Road to Kimberley Road	100
78. Kimberley Road, between Dasher Bridge and Dynan's, Ford Road	100
79. Mt. Claude Road, Valley of Dasher	100
80. Paradise Road, <i>viâ</i> State School	50
81. Cross Road, <i>viâ</i> Harman's, to connect Paradise and Sheffield with Mt. Claude, at J. Hope's land	50
82. Road, <i>viâ</i> Poulten's, from Barrington, near Pullen's land, south to Ivory's Selections	50
83. Road, Railton to Kimberley	100
84. Merseylea Station to Railton-Kimberley Road	100
85. Road, White Rock to O'Brien's Bridge	100
86. Road, Dulverton to Railton	100

£2400

Latrobe—

87. Road, Frankford to Beaconsfield	150
88. Frankford Road, Rubicon River to Frankford	100
89. Red Hill Road	50

Public Works Execution.

	£ A.D. 1905.
90. Road, Black Sugar Loaf, <i>vid</i> Maley's, to Frankford (conditionally on £25 being contributed locally)	50
91. Road, Selbourne, <i>vid</i> Hodgett's, to Launceston (conditionally on £25 being contributed locally)	50
92. Eccleston Road (conditionally on £25 being contributed locally)...	50
93. Road, Glengarry Post Office to Blade's Hill.....	100
94. Eccleston Road, between Westwood and West Tamar Road	50
95. Winkleigh Road to Exeter (deviation at Winkleigh Cemetery).....	50
96. Road to P. Beston's and other selections	30
	<hr/> £680 <hr/>
Deloraine—	
97. Road, leading into Warren's, Elphinstone's, and Roberts' original Selections	50
98. Road, Mole Creek to Liena	100
99. Sugar Loaf Run Road	50
100. Dog Track Road.....	100
101. Caveside Road, through Haberle's.....	100
102. Road, Caveside to Western Creek	50
103. Road, Kimberley to Whiteford Hills Railway Station (conditionally on £25 being contributed locally)	50
104. Road, Kimberley to Blackamoore Road (conditionally on £40 being contributed locally).....	75
105. Parkham Road (conditionally on £25 being contributed locally) ...	50
106. Road to Selections between Dunorlan Road and the River Mersey (conditionally on £25 being contributed locally)	75
	<hr/> £700 <hr/>
Westbury—	
107. Road, Exton to Westbury.....	60
108. Road, Cluan to Upper Liffey	100
109. Upper Liffey Road	100
	<hr/> £260 <hr/>
Longford—	
110. Blackwood Creek Road, through Darvagell's, to H. Saltmarsh's (conditionally on £12 10s. being contributed locally)	50
111. Blackwood Creek Road, Road leading to C. Smith's property (conditionally on £12 10s. being contributed locally).....	50
112. Upper Liffey Road, Road leading to Liffey Bridge (conditionally on £12 10s. being contributed locally)	50
113. Moore's Creek Road, Newstead—Queechy Road (conditionally on £150 being contributed locally)	150
	<hr/> £300 <hr/>
Fingal—	
114. Road, back of St. Patrick's Head, to Selections of Grant, Williamson, and others	30
115. Road to Curran's, McDonald's, and others, branching off Irish Town Road, including small bridge.....	30
116. Thompson's Marsh Road.....	50
117. Mt. Elephant Road, leading to Naylor's, Beady's, King's, and others	50
118. Road, German Town to Dublin Town.....	50
119. Continuation Road from Gardner's Creek to Selections of V. Hays, Neil, and others	30

Public Works Execution.

A.D. 1905.

	£
120. Ben Lomond Road, continuation from Deviation through J. F. Rigney's (conditionally on £50 being contributed locally)	100
121. Road, Mathinna to Ringarooma	50
122. Road, Mathinna to Rose's Tier	50
123. Road, Mangana to Tower Hill, and Branch to Selections... ..	100
124. Road, Mathinna to Delvin	50
125. South George's River Road... ..	50
126. North George's River Road... ..	50
127. Road to Manson's, Beachy's, and others... ..	50
	£740
George Town—	
128. Road, Alford to Karoola Station	100
129. Road to Bassett's and others... ..	50
130. Road to Reid's and others... ..	50
131. Road to Low Head, along Lagoon Beach... ..	50
132. Road, Black Towers to Low Head	50
133. Road, Beaconsfield to Beauty Point (conditionally on a like amount being contributed locally)... ..	100
	£400
North Esk—	
134. Prosser's Forest Road to Patersonia and Launceston (conditionally on £10 being contributed locally)... ..	40
135. Lisle Road to Lisle Station	100
136. Road from Selections of Allenby, Wadley, and others, towards Lisle Road Station	50
137. Road to Kelly, Newman, and others	50
138. Lisle Road to Golconda	50
139. Watery Plains Road... ..	100
140. St. Patrick's River to Camden's Plains... ..	150
141. Road to Burke, Jane, Blair, and others	50
142. Diddleum Road	50
143. Mahnken's Road, towards Wyena, <i>vid</i> Somerville's	50
144. Lowe's Road to Brown and others	50
145. Clarke's Road to Lebrina Railway Station	50
146. Doak's Road, east	50
147. Road, Karoola Station to Alford, near Barrett's Hill	50
148. Windsor's Hill, near Hammersley's Contract, to Bangor	50
149. Bangor Road to Mailer's, McCarthy's, Bird's, and others	50
	£990
Ringarooma—	
150. Road, Boobyalla to Gladstone... ..	50
151. Road, Scottsdale to Derby	100
152. Road, Derby Road to Counsel's and others	50
153. Deviation through Johnson's, Tucker's, and Johnson's	100
154. Road, Branhholm Back Road	100
155. Road to Tilley's and Courtney's	50
156. Road, Ringarooma to Branhholm, through Ledgerwood... ..	50
157. Road to Bonner's, Tucker's, and others	50
158. Road, Ringarooma to Mathinna	100
159. Ringarooma Road to James', Taylor's, and others	50
160. Ringarooma Road to Cappel's, Harris's, and others	100
161. Ten-Mile Track	50
162. Diddleum Track, from Bowen's	50

Public Works Execution.

	£	A.D. 1905.
163. Road to J. Dunkley's and others	50	
164. Road to Lethborg's, Bowen's, and others	100	
165. Road, Ladbury's to Sideling	50	
	<u>£1100</u>	
Cambria—		
166. Road to Selections of Scott and others	75	
167. Road, Swansea to Campbell Town (conditionally on £18 15s. being contributed locally).....	75	
168. Deviation Road, leading from Whitefoord to Woodsdale	100	
169. Road, Stonor to Rhyndaston	50	
170. Road, Tunnack to Colebrook	50	
171. Road, Orford to Jetty at Quiet Corner (conditionally on £25 being contributed locally).....	50	
172. Road, Spring Bay to Swansea	100	
	<u>£500</u>	
Cumberland—		
173. Deviation on Main Road, Apsley to Bothwell (conditionally on £37 10s. being contributed locally)	150	
174. Hollow Tree Road (conditionally on £100 being contributed locally)	150	
175. Road between Swan Bay and the Ouse Bridge (conditionally on £50 being contributed locally)	100	
176. Road, Bothwell to Macquarie Plains Station, <i>via</i> Hollow Tree— Marked Tree Road (conditionally on £25 being contributed locally).....	100	
177. Road from Main Road near Hamilton, to Bothwell, <i>via</i> Hollow Tree, through Montfort (conditionally on £37 10s. being contributed locally)	150	
178. Road, Lane's Tier, Ouse, to Selections (conditionally on £12 10s. being contributed locally).....	50	
179. Marlborough Road, Ouse, to Derwent Bridge (conditionally on £25 being contributed locally)	100	
180. Dee Road, at Ouse, to Selections (conditionally on £12 10s. being contributed locally)	50	
181. Lower Marshes Road (conditionally on £40 being contributed locally)	40	
182. Road, Oatlands to Lake Crescent (conditionally on £30 being contributed locally).....	70	
	<u>£960</u>	
Monmouth—		
183. Road from Dysart Station to connect with new deviation of Road to Hunting Ground (conditionally on £50 being contributed locally).....	100	
184. Road, Colebrook to Jericho	75	
185. Road, Colebrook to Rhyndaston	75	
186. Road, Colebrook to Tiers (Spring Hill Bottom Road)	100	
187. Black Bottom Road	75	
188. Road, Native Corners, from Howlett's to Stevens' Selection	50	
189. Grass Tree Hill Road (conditionally on £25 being contributed locally).....	100	
190. Black Hill Road, from Richmond to Sorell (conditionally on £25 being contributed locally)	100	
191. Continuation of Deviation, Black Brush Lane to Broad Marsh Road (conditionally on £37 10s. being contributed locally)	75	
192. Back Road, Old Beach, Baskerville Estate.....	50	
193. Back Road, Old Beach, Compton Estate.....	100	
194. Road, Brighton to Old Beach	50	
195. Road between the Bellerive Town Boundary and the Lindisfarne Town Boundary	50	

Public Works Execution.

A.D. 1905.

	£
196. Road between Lindisfarne Town Boundary and Stone House, Risdon	50
197. Cambridge to Sandford Road	100
198. Cambridge Road to Lane's Crossing	50
199. Deviation from Main Road to School House, Sandford	50
	<hr/> £1250 <hr/>
New Norfolk—	
200. Main Dromedary Road, Ravenswood Gate to Hughes' Crossing ...	100
201. Dromedary Road, north	100
202. Road, Swamp Gum Hill to Harris', Wilton's, Timbs', and others ...	50
203. Road through Hydehurst	50
204. Road to Selections on Huon Track	100
205. Road, Kingshott's to Brier's, Cashion's, Wakefield's, and others (continuation)	50
206. Road from Jeffery's to Kingshott's, Otto's, Triffitt's, and others ...	50
207. Road from Doran's to O'Neill's, Purcell's, Moffatt's, and others ...	50
208. New Road, Picnic Track	100
209. Road to Gray's, Wilton's, and others	100
210. Deviation in road leading to Messrs. G. Plunkett's, P. Gaul's, R. Plunkett's, and other Selections	50
211. Road, Glen Fern to Lahl's and others	50
212. Road, Mt. Lloyd to Selections of Simmons and others	50
213. Road at Den Hill	150
214. Road from Railway Station, New Norfolk, to Riverton (conditionally on £25 being contributed locally)	100
215. Road, Black Hills, from Bed Chambers to Bell's, Triffitt's, McAuley's, Morris', Goodsell's, Burns', and others (conditionally on £12 10s. being contributed locally)	50
216. Road from Back River to selections (conditionally on £25 being contributed locally)	100
217. Road, Black Hills to Blue Gum Swamp (conditionally on £12 10s. being contributed locally)	50
218. Completing the new Road from Plenty to Booth's Road	100
219. Road, <i>via</i> Cocker's, to Selections of Fenton and others	50
	<hr/> £1500 <hr/>
Glenorchy—	
220. Creek Road, leading from Kangaroo Valley to Main Road	75
221. Upper Chapel-street (extension)	50
222. Upper Tolosa-street, towards Klug's and others	50
223. Purchase of Road to River, Glenorchy (conditionally on £50 being contributed locally)	100
224. New Road to Bismarck	100
225. Wenzil's, Neilson's, and others	50
226. Sky Farm Road	50
227. Abbotsfield Road, between the Glebe and Clothiers	50
228. Hestercombe Road (top end)	50
229. Black Snake Road (top end)	50
	<hr/> £625 <hr/>
Queenborough—	
230. Road leading from the Public School down towards the "Lea" ...	50
231. Mount Nelson Road	80
232. Proctor's Road	50
233. Barn Hill Deviation (additional)	50
	<hr/> £230 <hr/>

Public Works Execution.

Kingborough—		£ A.D. 1905.
234. Black Bridge Road	50	—
235. South Allen's Rivulet Road.....	50	
236. Sandfly Road	100	
237. Sandfly Road, <i>via</i> Westgarth's	50	
238. Golden Gully Road	75	
239. Road, Oyster Cove to Lovett	50	
240. Trial Bay Road.....	50	
241. Road to Knott's, Lawless', and others	50	
242. Peppermint Hill Road.....	50	
243. Kiernan's Road.....	50	
244. Road, Little Snug to Shipping Place	50	
245. Port Cygnet Cross Road.....	50	
246. New Road, Gordon to F. and W. Phillips' Selections	50	
247. Road, Gordon to Garden Island Creek	100	
248. Cox's Road, and Daley's Road	50	
249. Road, from Main Road to McKay's, Haywood's, and others	50	
250. Main Road, between Denne's Point and Trumpeter Bay (conditionally on £25 being contributed locally).....	50	
251. Road, Adventure Bay to Mills' Reef.....	50	
252. Daniel's Bay Road	50	
253. Adventure Bay Road, near Gray's Mill.....	50	
254. Road, Glazier's Bay to Burnt Bridge.....	100	
255. Guy's Road, at O'Rourke's	50	
256. Road, Wattle Grove to Petchey's Bay	50	
257. Road to Major Russell's block, <i>via</i> Silver Hill.....	50	
258. Road, Glazier's Bay Road, through Inches'.....	50	
259. Road from Toby's Hill to Winn's and others	50	
260. Road, Woodbridge to Coal Jetty, Gardner's Bay	75	
261. Garden Island Creek Road (Old Sawmill to Jetty)	75	
262. O'Rourke's Road, Rowe's Jetty to Harrison's	100	
263. Road, Balfe's Hill, to Selections of Moore and Garth	100	
264. Road leading to Clark's, Duggan's, Flynn's, and others.....	50	
265. Road leading to Duggan's, Richardson's, and Corney's	50	
266. Woodstock Road (lower end).....	100	
267. Road, Crab Tree Road	100	
268. South Baker's Creek Road.....	50	
269. Upper Mountain River Road	50	
270. Upper Huon Road to Hermitage	50	
		£2275
Franklin—		
271. Road to Selections of Brown, Wolfe, and others	50	
272. Road to Messrs. W. Nation's and W. Albury's, Rodman's and Fletcher's, and to Lane's (conditionally on £75 being contributed locally).....	75	
273. Hall's Track Road.....	50	
274. Main Road, between the 24th and 26th Mile Stones (widening)...	150	
275. Swamp Road	100	
276. Road, Castle Forbes Bay to Donnelly's and Daly's	50	
277. Castle Forbes Bay Road to Jetty.....	100	
278. Smyley's Road	50	
279. Judd's Hill Road	50	
280. Ford's Road, Riley's Road, and McKibben's Bridge Road	75	
281. Rowe's Road.....	50	
282. Hohne's Road	50	
283. Tongataboo Road	50	
284. Corbett's Road.....	50	
285. Coast Road, Brook's Bay to McAnalley's	100	
286. Road, <i>via</i> William Eaves' and Thurley's, towards Esperance	50	
287. Esplanade Road, Dover, Port Esperance	200	

Public Works Execution.

A.D. 1905.

288. Rutherford's Road, Esperance	£ 50
289. Old Esperance Road, near Clennett's	50
290. Road, Raminea to Hastings	150
291. Road, Hastings to Recherche	100
292. Road, Folkestone Road	50
293. Folkstone Road (branch) leading to Knight's, Oldham's, and Crown lands	50
294. Road, Recherche to Catamaran	50
295. Road, Hastings to Southport Jetty	50

£1850

Sorell—

296. Road, Rokeby to Jetty (conditionally on £25 being contributed locally)	50
297. Road from Causeway to Sandford Jetty—completion (conditionally on £37 10s. being contributed locally)	75
298. Road leading from Half Moon Bay Jetty to Sandford (conditionally on £25 being contributed locally)	50
299. Road, South Arm to Sandford (conditionally on £25 being contributed locally)	50
300. Deviation at Land Slip, Factory Road	100
301. Road, Kellevie to Nugent (continuation)	75
302. Road, Dunalley to Camden Creek (Fulham)	50
303. Road, Dunalley to Sounds'	50
304. Road, Coppington to Carlton River Bridge	100
305. Road to Richmond	50
306. Road, Nugent School towards Buckland	50
307. Road, Cherry Tree Opening towards Shrub End	50
308. Road, Carlton to Dodge's Ferry	50
309. Road, Finger Post to Dunalley, near Wykeholme	50
310. Road, Nugent to Kellevie	50
311. Road, Cascades to Taranna Main Road	75
312. Road from Cascades to Selections of Paul, Dodderidge, North, and others	50
313. Saltwater River to Selections of Stacey, Nickolls, and others	50
314. Badger Creek Jetty to Roaring Beach	50
315. Road, Impression Bay to Wedge Bay	50

£1175

Queenstown—

316. Road from Queenstown to Gormanston (conditionally on £50 being contributed locally)	100
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Waratah—

317. Road, north to South Tullah	150
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CONDITIONAL VOTE.

318. Construction of Roads and Bridges generally, upon the £ for £ system, an equal amount being contributed locally	300
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BRIDGES.

319. Bridges on Trowutta Road (4)	325
320. Bridge over River Mersey, near Kimberley	600
321. Bridge over Corduroy Creek, South Mt. Cameron	50

Public Works Execution.

£ A.D. 1905.

322. Bridge over Groom River on Main Road, vicinity of Gould's Country...	100
323. Tullochgorum Bridge, Fingal ...	100
324. Blueman's Valley Bridge Road, Campbell Town to Swansea ...	100
325. Bridge at St. Albans ...	50
326. Small Bridges generally ...	300
	£1625

JETTIES.

327. Jetty at Bagot Bay...	250
328. Jetty at Lindisfarne ...	200
	£450

RENEWALS.

329. Renewals of Bridges, &c., damaged by flood ...	1000
330. Renewals of Bridges, generally (amount to be redeemed by Sinking Fund) ...	12,000
	£13,000

BUILDINGS.

331. New Schools and Equipment ...	2000
332. Connections from Public Buildings, Hobart, to Metropolitan Sewers ...	2000
333. Nurses' Home, Zeehan and Dundas Hospital (additional) ...	120
334. New Post and Telegraph Office (additional) ...	1800
335. Hospital for Insane, New Norfolk, (Buildings and Improvements)	5000
336. Additional Machinery, Government Printing Office...	675
	£11,595

MISCELLANEOUS.

337. Roads, Bridges, Excesses, Surveys, and Contingencies, including Purchase ...	500
338. In aid of Supervision and Office Charges, Travelling Expenses, and Advertising Public Works generally...	2500
	£3000

RAILWAY ITEMS.**TASMANIAN GOVERNMENT RAILWAYS.****Main Line—**

339. One-quarter of £10,000, difference in 46-lbs. and 61-lbs. steel rails, with which the Main Line is being re-laid...	£	s.	d.
	2500	0	0
340. Costs in connection with the purchase of the Elwick Railway	49	5	5
341. Additions to buildings, sidings, signals, &c., including purchase and cost of acquiring land...	3765	0	0
342. Additional Flood Openings, near Macquarie River Bridge ...	250	0	0

Western Line—

343. One-third of £10,000, difference in 40-lbs. and 61-lbs. steel rails, with which the Deloraine-Devonport Section is being re-laid ...	3333	0	0
344. Additions to buildings, lights, water-supply, &c. ...	230	0	0

Derwent Valley Line—

345. Water-supply ...	50	0	0
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Public Works Execution.

A.D. 1905.

Fingal Line—	£	s.	d.
346. Additions to buildings...	200	0	0
Scottsdale Line—			
347. Cottage at Lilydale ...	175	0	0
Sorell Line—			
3. Additions to buildings...	400	0	0
Railways Generally—			
349. Air-reticulation, Launceston Yard...	100	0	0
350. Contingencies ...	1000	0	0
	£12,052	5	5

SUMMARY.				£	s.	d.
Roads	...	...	...	25,185	0	0
Bridges	...	...	...	1625	0	0
Jetties	...	...	...	450	0	0
Buildings	...	...	...	11,595	0	0
Renewals to Bridges, &c.	...	...	...	13,000	0	0
Miscellaneous	...	...	...	3000	0	0
Railway Items	...	...	...	12,052	5	5
				£66,907	5	5

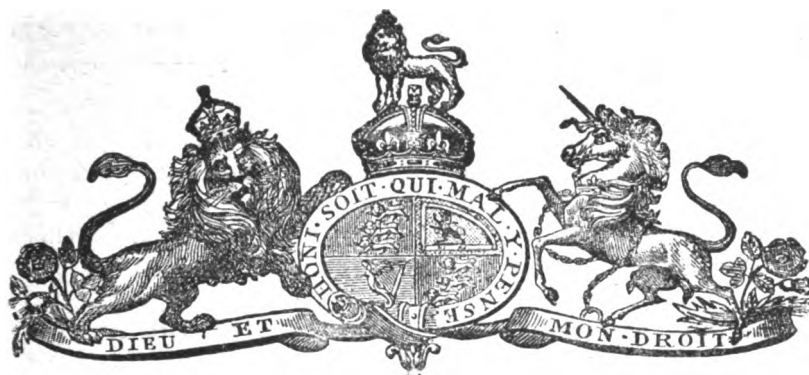
(2.)

Balances to be re-appropriated.

	£	s.	d.
64 Vict. No. 63—Item 406.			
Strahan Wharf, Goods' Shed, &c. ...	84	12	11
1 Ed. VII. No. 49—Item 320.			
Coal Floor, &c., Launceston ...	48	15	4
1 Ed. VII. No. 49—Item 322.			
Stationmaster's Cottage, Goods' Shed, &c., Kimberley ...	179	4	10
1 Ed. VII. No. 49—Item 332.			
Tramways, West Coast ...	3023	10	10
1 Ed. VII. No. 49—Item 333.			
Machinery for Workshops, West Coast...	25	13	4
2 Ed. VII., No. 43—Item 156.			
Widening North Esk River Bridge, interlocking, &c., Launceston ...	1700	0	0
2 Ed. VII. No. 43—Item 158.			
Additional Sidings and Station accommodation, Devonport ...	439	9	8
2 Ed. VII. No. 43—Item 159.			
Additions and Improvements, Chudleigh Branch ...	85	0	0
2 Ed. VII. No. 43—Item 163.			
Addition to S.M.'s Cottage, Macquarie Plains ...	3	10	0
3 Ed. VII. No. 27—Item 242.			
Goods Shed, Mangalore...	19	12	6
1 Ed. VII. No. 49—Item 313.			
Water-conservation and delivery, Lakes Crescent and Sorell ...	3581	0	4
	£9190	9	9

JOHN VAIL,
GOVERNMENT PRINTER, TASMANIA.

T A S M A N I A .



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 43.



AN ACT to authorise the inscription of Stock A.D. 1905.
for the purpose of borrowing a Sum not
exceeding Two hundred and eighty-two
thousand two hundred and twenty-eight
Pounds and Three Shillings.

[20 November, 1905.]

WHEREAS it is desirable that the Treasurer should be authorised PREAMBLR.
to borrow money not exceeding the sum of Two hundred and eighty-
two thousand two hundred and twenty-eight Pounds and Three
Shillings, at any one time in the manner hereinafter mentioned :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “ The Inscription of Stock Act (No. 1), Short title.
1905.”

2—(1.) It shall be lawful for the Treasurer to borrow and receive, Treasurer
authorised to
borrow.
under the authority of this Act, a total sum not exceeding Two hun-
dred and eighty-two thousand two hundred and twenty-eight Pounds
and Three Shillings, for the purposes mentioned in the Schedule hereto.
4d.]

Inscription of Stock.

A.D. 1905.

(2) Whenever any moneys so borrowed are borrowed for a shorter period than the time limited by Section Six of this Act, it shall be lawful for the Treasurer so often as any moneys so borrowed for any such shorter period become repayable and for the purpose of repaying the same to again borrow and receive, under the authority of this Act, any sum or sums of money sufficient for that purpose.

Money
chargeable on
Revenue.

3 Any sum of money borrowed under the authority of this Act, and all interest at any time due thereon, shall be charged and secured on the Consolidated Revenue Fund of the State.

Money may be
borrowed in
accordance with
59 Vict. No. 6, or
52 Vict. No. 55.

4 Any money authorised by this Act to be borrowed may be borrowed in the manner provided by "The Local Inscribed Stock Act, 1895," or "The Inscribed Stock Act, 1889," or partly in the manner provided by "The Local Inscribed Stock Act, 1895," and partly in the manner provided by "The Inscribed Stock Act, 1889," as the Treasurer may determine, as fully in all respects as if the provisions of the said Acts, save so far as is herein provided to the contrary, had been re-enacted in this Act.

Rate of interest,
and when payable.

5 Every sum borrowed under the authority of this Act shall bear interest at a rate not exceeding Four Pounds per centum per annum, and if borrowed in the manner provided by "The Local Inscribed Stock Act, 1895," such interest shall be payable quarterly on the First day of *January*, the First day of *April*, the First day of *July*, and the First day of *October* in every year, or if borrowed in the manner provided by "The Inscribed Stock Act, 1889," such interest shall be payable half-yearly on the First day of *January* and the First day of *July* in every year.

Date when
money repayable.
59 Vict. No. 6.

6 Any money borrowed under the authority of this Act in accordance with the provisions of "The Local Inscribed Stock Act, 1895," shall be repayable not later than the year One thousand nine hundred and twenty-nine, and any money borrowed under the authority of this Act in accordance with the provisions of "The Inscribed Stock Act, 1889," shall be repayable not later than the year One thousand nine hundred and forty-five.

52 Vict. No. 55.

Treasurer may
dispense with
signature of
lender.

7 The Treasurer may, by writing under his hand, from time to time dispense with the name of any person from whom any money is borrowed under this Act being signed in "The Local Inscribed Stock Book," and thereupon the Certificate authorised to be issued under the said Act shall be issued to such person.

Power of
Attorney made
solely for dealing
with stock need
not be stamped or
registered.

8 Any Power of Attorney made solely for the purposes of this Act shall not be subject to any Stamp Duty now or hereafter imposed by any Act, and it shall not be necessary to register such Power of Attorney in the office of the Registrar of Deeds, notwithstanding anything to the contrary contained in the Act, 24 *Victoriae*, No. 3.

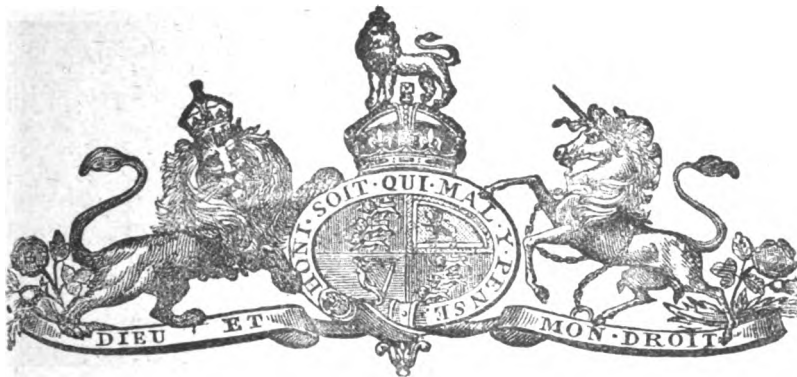
Inscription of Stock.

A.D. 1905.

SCHEDULE.

For Public Works authorised during the present	£	s.	d.	£	s.	d.
Session of Parliament.....	...			66,907	5	5
Less amounts re-appropriated .....	...			9190	9	9
				<hr/>		
				57,716	15	8
For the redemption of Local Inscribed Stock						
falling due during the Year 1906—						
64 Vict. No. 14	135,392	14	1			
64 Vict. No. 75	100,418	13	3			
1 Ed. VII. No. 52	700	0	0			
	<hr/>					
	236,511	7	4			
Less amounts to be paid off from Strahan Marine						
Board Sinking Fund						
	12,000	0	0			
	<hr/>			224,511	7	4
				<hr/>		
				£282,228	3	0
				<hr/>		

T A S M A N I A.



1 9 0 5.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 44.

AN ACT to authorise the Inscription of Stock A.D. 1905.
for the purpose of borrowing a Sum not
exceeding Eleven thousand seven hundred
Pounds. [20 November, 1905.]

WHEREAS it is desirable that the Treasurer should be authorised PREAMBLE.
to borrow money not exceeding the sum of Eleven thousand seven
hundred Pounds at any one time in the manner hereinafter mentioned :
Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Inscription of Stock Act Short title.
(No. 2), 1905.”

2—(1.) It shall be lawful for the Treasurer to borrow and receive Treasurer
under the authority of this Act a total sum not exceeding Eleven authorised to
thousand seven hundred Pounds for the purposes mentioned in the borrow
Schedule hereto £11,700.

(2.) Whenever any moneys so borrowed are borrowed for a shorter
period than the time limited by Section Six of this Act, it shall be
lawful for the Treasurer, so often as any moneys so borrowed for any
such shorter period become repayable and for the purpose of repaying

4d.]

Inscription of Stock.

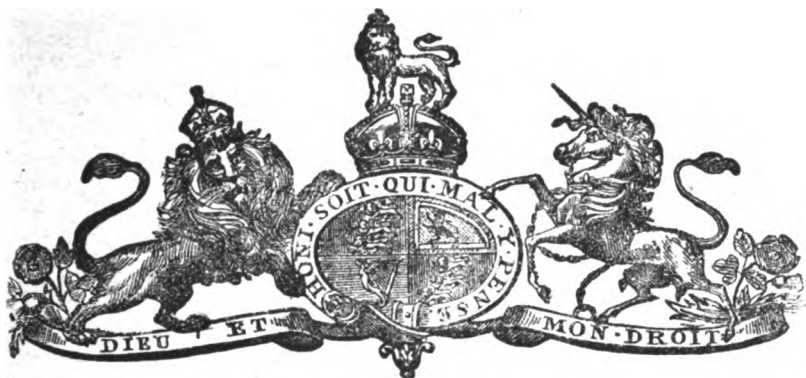
- A.D. 1905.** — the same, to again borrow and receive, under the authority of this Act, any sum or sums of money sufficient for that purpose.
- Money chargeable on Revenue.** **3** Any sum of money borrowed under the authority of this Act, and all interest at any time due thereon, shall be charged and secured on the Consolidated Revenue Fund of the State.
- Money may be borrowed in accordance with 59 Vict. No. 6, or 52 Vict. No. 55.** **4** Any money authorised by this Act to be borrowed may be borrowed in the manner provided by "The Local Inscribed Stock Act, 1895," or "The Inscribed Stock Act, 1889," or partly in the manner provided by "The Local Inscribed Stock Act, 1895," and partly in the manner provided by "The Inscribed Stock Act, 1889," as the Treasurer may determine, as fully in all respects as if the provisions of the said Acts, save so far as is herein provided to the contrary, had been re-enacted in this Act.
- Rate of interest, and when payable.** **5** Every sum borrowed under the authority of this Act shall bear interest at a rate not exceeding Four Pounds per centum per annum, and if borrowed in the manner provided by "The Local Inscribed Stock Act, 1895," such interest shall be payable quarterly on the First day of *January*, the First day of *April*, the First day of *July*, and the First day of *October* in every year, or if borrowed in the manner provided by "The Inscribed Stock Act, 1889," such interest shall be payable half-yearly on the First day of *January* and the First day of *July* in every year.
- Date when money repayable.** **6** Any money borrowed under the authority of this Act in accordance with the provisions of "The Local Inscribed Stock Act, 1895," shall be repayable not later than the year One thousand nine hundred and twenty-nine, and any money borrowed under the authority of this Act in accordance with the provisions of "The Inscribed Stock Act, 1889," shall be repayable not later than the year One thousand nine hundred and forty-five.
- Treasurer may dispense with signature of lender.** **7** The Treasurer may, by writing under his hand, from time to time dispense with the name of any person from whom any money is borrowed under this Act being signed in "The Local Inscribed Stock Book," and thereupon the Certificate authorised to be issued under the said Act shall be issued to such person.
- Power of Attorney made solely for dealing with stock need not be stamped or registered.** **8** Any Power of Attorney made solely for the purposes of this Act shall not be subject to any Stamp Duty now or hereafter imposed by any Act, and it shall not be necessary to register such Power of Attorney in the office of the Registrar of Deeds, notwithstanding anything to the contrary contained in the Act, 24 *Victoriae*, No. 3.
-

*Inscription of Stock.***SCHEDULE**A.D. 1905.
—

For Loans to the undermentioned Local Bodies authorised during
the present Session of Parliament—

	£	s.	d.
Trustees of Ross Water District—for water-supply	1500	0	0
Trustees of Ulverstone Water District—for water-supply.....	9000	0	0
Town Board of Devonport—for purchase of land for Sanitary Farm, Public Cemetery, and Abattoirs	1200	0	0
	<u>£11,700</u>	<u>0</u>	<u>0</u>

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 45.

AN ACT to further amend “The *Hobart* A.D. 1905.
Corporation Act, 1893.” [20 November, 1905.] —

WHEREAS it is expedient to further amend “The *Hobart* PREAMBLE.
Corporation Act, 1893,” in the manner hereinafter appearing :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited for all purposes as “The *Hobart* Corpora- Short title.
tion Act, 1905.”

2 In the interpretation and construction of the provisions of this Interpretation.
Act, the following words and terms shall have the respective meanings
hereby assigned to them, unless inconsistent with or repugnant to the
context ; that is to say :—

“The said Act” shall mean “The *Hobart* Corporation Act, 57 Vict. No. 11,
1893 :”

4d.]

Hobart Corporation.

A.D. 1905.

3 Ed. VII. No. 32.

Further powers
regarding the
Hobart Rivulet.

“The said amending Act” shall mean “The *Hobart Corporation Act, 1903*” :

“The Rivulet” shall have the meaning assigned to such words by the said amending Act.

3—(1.) Subject to all private rights and interests therein (if any) which shall have been acquired prior to the passing of the said amending Act, the Council is hereby authorised and empowered—

I. To let or demise to any person the right to build over and cover in the Rivulet, or such part or parts thereof as may be deemed desirable by the Council :

II. To let or demise to any person the right to erect and maintain in the bed of the Rivulet or on any lands vested in or acquired by the Corporation, or partly in the bed and partly on such lands, such walls, piers, columns, pillars, buttresses, abutments, and other erections as may be necessary for the support of the superstructure, buildings, or other works hereinafter referred to or contemplated by this Section, and as may be approved by the Council :

III. To let or demise to any person the right to erect and maintain over and across the Rivulet, or any part thereof, such superstructure, buildings, and other works as may be deemed desirable by the Council.

(2.) Any lease granted by the Council under this Act shall be for any term not exceeding Fifty years and for such rent and subject to such covenants, conditions, and restrictions, and especially as to the description, class, foundation, and elevation of the walls, piers, columns, pillars, buttresses, abutments, superstructure, erections, buildings, and other works to be erected thereon by virtue of such lease as the Council may deem advisable and for the benefit of the citizens, and the rights aforesaid may be let or demised by public auction, or by public tender, or after having been offered by either of such means without having been accepted, then by private contract.

Corporation may
purchase lands.

4—(1.) The Corporation may purchase and take compulsorily under the provisions of the said Act such lands, tenements, or hereditaments fronting or abutting upon the Rivulet as in the opinion of the Council may be conveniently or advantageously used, let, or demised with any right to be exercised, let, or demised under the said amending Act or this Act.

Lands to form
part of the
Rivulet.

(2.) Any lands, tenements, or hereditaments purchased or taken under this Section, and any erections thereon shall be deemed thenceforth part of the Rivulet for the purposes of this Act and of the said amending Act, and may be dealt with under the provisions of such Acts.

Rivulet vested in
the Corporation.

5 The Rivulet shall be deemed to be and shall be hereby vested in the Corporation for the purposes of this Act.

Hobart Corporation.

6 The powers and authorities conferred upon the Council by this Act and the provisions herein contained shall be in addition to any powers and authorities conferred by the said Act and the said Amending Act and to the provisions therein contained. A.D. 1905.
Powers to be
additional.

7 This Act and the said Act and every Act amending the said Act shall, save as altered or amended by this Act, be read and construed together as one and the same Act, and the said Act and every Act amending the same and this Act may be referred to and may be cited for all purposes as "The *Hobart Corporation Acts*, 1893 to 1905." Acts to be read
together.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 46.

AN ACT to further amend "The *Launceston* A.D. 1905.
Corporation Act, 1894."
[20 November, 1905.]

WHEREAS it is expedient to further amend "The *Launceston* PREAMBLE.
Corporation Act, 1894 : "

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The *Launceston* Corporation Amend- Short title.
ment Act, 1905."

2 In this Act, if not inconsistent with the context--

Interpretation.

"Laid out" means surveyed, pegged off, or shown upon a
subdivision plan :

"The City" means the City of *Launceston* :

"The Corporation Act" means "The *Launceston* Corporation 58 Vict. No. 30.
Act, 1894."

4d.]

Launceston Corporation Amendment.

A.D. 1905

Providing when
new private street
may be laid out,
&c.

3 No new private street shall hereafter be laid out, opened, or used as a street in the City, nor shall any building allotment fronting thereon be sold, until—

1. Either the street shall have been constructed in accordance with the requirements of "The Corporation Act," and all Amendments thereof, and completed to the satisfaction of the City Surveyor : or
- ii. The owner shall have paid or secured to the Corporation such sum of money as the Council shall deem sufficient to meet the cost of construction.

Certain private
streets may be
laid out, &c., with
consent of
Council.

4 Notwithstanding any law to the contrary, private streets beyond the first area in the City, namely, *Margaret, Canning, Welman, and Tamar* streets, and the Wharves, may, with the consent of the Council, be laid out and constructed of the width of Forty feet only, with footways Five feet in width. It shall not be lawful for any person to erect any building within a distance of less than Twenty-five feet from the centre of any such street.

City Surveyor to
approve curve,
&c., as to carriage-
road.

5 The surface of the carriage-road in every private street shall have such curve or fall as shall be approved by the City Surveyor.

Providing that
existing private
streets may be
constructed if
Council think fit.

6 The Council may, if they shall think fit, cause any existing private street in the City, or any portion thereof, to be constructed in such manner as the Council may from time to time determine. One moiety of the expense incurred in the construction of such street shall be borne by the Corporation, and the other moiety of such expense shall be payable to the Corporation by the owner or owners of the lands fronting or abutting on any such street, or any portion thereof, proportionately to the frontage of the land on such street, in Seven years, by Fourteen equal instalments with interest thereon at the rate of Five Pounds per centum per annum; and such instalments shall be paid as follows:—The First instalment within One month of the receipt by the owner of notice from the Council that it is their intention to make the street, the Second instalment on the First day of *January* or *July* (as the case may be) immediately following the receipt of the notice for the First instalment, and the remaining instalments on the First day of *January* and the First day of *July* in every succeeding year, until the whole of the instalments shall be paid.

Certificate of
City Surveyor
to be final as to
cost.

7 The certificate of the City Surveyor as to the cost of construction of any private street, and the amount of instalments to be paid by each owner, shall be final and conclusive; and thereafter such street shall be repaired by the Council out of any moneys at their disposal.

Penalty for
contravention of
Sections 3 and 4.

8 Every person who shall contravene any of the provisions of Sections Three and Four of this Act shall, upon conviction, forfeit and pay for every such offence a penalty not exceeding Ten Pounds, and a penalty not exceeding Five Pounds for every day during which such

Launceston Corporation Amendment.

offence shall be repeated or continued; and proceedings may be taken at any time, anything to the contrary notwithstanding in Section Eleven of *The Magistrates Summary Procedure Act*. A.D. 1905. —

9 It shall be lawful for the Council, at their discretion, from time to time, to contribute out of the General Fund to the *Launceston Corporation Provident Fund* a sum not exceeding One Shilling per month for and on behalf of each and every member of the Fund, and all contributions heretofore made by the Council to that Fund are hereby authorised and confirmed. Council may contribute to Corporation Provident Fund.

10 Where the Council is a Local Authority or Cemetery Trustees, anything done as a Council relating to either shall be deemed to have been done as such Local Authority or Cemetery Trustees, as the case may be. Council acting as Local Authority, &c.

11 The Mayor and all corporate officers shall, during their respective continuance in office, be exempt from serving on any jury. Exemption from jury.

12 The Form (9) in the Schedule to this Act, is hereby substituted for the Form (9) in the Schedule to "The Corporation Act." Substitution of new Form (9).

13 It shall be lawful for the Council to grant annually to the Literary and Musical Competitions, and also to the Northern Tasmanian Tourist Association, a sum not exceeding Twenty-five Pounds each. Grant to Tourist Association and Literary Competitions.

14 Sections Two hundred and forty-one, Two hundred and forty-two, Two hundred and forty-three, and Two hundred and fifty-six of "The Corporation Act" are hereby repealed: Provided that such repeal shall not affect— Repeal of Sections 241, 242, 243, and 256 of Corporation Act.

- i. Any liability accruing, or to accrue, in respect of unpaid instalments on account of private streets heretofore constructed by the Council:
- ii. The institution of any legal proceeding or other remedy for enforcing or recovering any such instalments as aforesaid.

15 Notwithstanding anything contained in "The *Launceston Corporation Act*, 1894," neither the service nor connecting pipes nor any meters, lustres, lamps, gasfittings or other property of any description whatsoever belonging to the *Launceston Gas Company* shall be or be liable to be seized or attached in any way in respect of any money or debt recoverable from any person or corporation other than the *Launceston Gas Company* under "The *Launceston Corporation Act*, 1894." Appliances the property of the *Launceston Gas Company* exempt from seizure.

16 This Act and "The Corporation Act," and every Amendment thereof, shall be read and construed together as one Act. Acts to be read together.

Launceston Corporation Amendment.

A.D. 1905.

Form of Distress
Warrant.**SCHEDULE.**

Form 9.

DISTRESS WARRANT FOR RATES.Tasmania }
(to wit). }*Ta**and to all Constables in the State of Tasmania.*

WHEREAS complaint has been made before me that
of Street in the City of Launceston, has not paid
the sum of payable by him by virtue of the General
Rate for the City of Launceston, of the Rate for the said City called "The Special
Rate," of the Rate for the said City called "The Water Rate," of the Rate for the
said City called "The Lighting Rate," and of the Rate called "The Sanitary Rate,"
made by the Local Authority of the said City under "The Public Health Act, 1903,"
all made on or about the day of
although the same has been duly demanded of him: And whereas the said
having appeared before me
Mayor of the said City, in pursuance of my Summons for that purpose, has not
shown sufficient cause why the said sum of
should not be paid: [*or* And whereas it has been proved to me upon oath that the
said has been summoned to appear before me to show
cause why the said sum of should not be paid, and
the said has neglected to appear to such Summons,
and has not shown any sufficient cause why the said sum of
should not be paid:] These are therefore to command you forthwith to make
Distress of the Goods and Chattels of the said
wheresoever the same may be found, and also all Goods and Chattels whatsoever
found upon the property in respect of which such Rates are due and payable to
whomsoever the same may belong; and unless at any time before the sale of the
Goods and Chattels so by you distrained the said sum of
together with all costs, charges, and expenses attendant upon such Distress be paid
to you, that you cause the said Goods and Chattels so by you distrained to be sold,
and out of the money arising by such sale that you detain the said sum of
and also all costs, charges, and expenses attendant upon such
Distress and Sale, rendering to the said the overplus,
if any, on demand; and the said sum of you are
hereby commanded to pay to me the said Mayor:
and if no sufficient distress can be made of such Goods and Chattels that then you
certify the same to me, together with this Warrant.

. Given under my hand this
day of

Mayor of the City of Launceston.

T A S M A N I A.

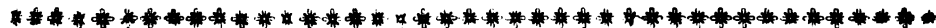


1 9 0 5.

A N N O Q U I N T O

EDWARDI VII. REGIS,

No. 47.



AN ACT to make provision for a Supply of A.D. 1905.
pure Water for the Town of *Ulverstone*.

[20 November, 1905.]

WHEREAS it is expedient to make legislative provision to PREAMBLE.
ensure a supply of pure water for the use of the inhabitants of the
Town of *Ulverstone*, from such sources, and in such manner and
under such control, management, and conditions as are hereinafter
provided :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Short Title.

1 This Act may be cited for all purposes as “The *Ulverstone* Short title,
Water Act, 1905.”

2s.]

Ulverstone Water.

A.D. 1905.

Preliminary.

Interpretation.

2 In the construction and for the purposes of this Act, and of all proceedings under this Act or under any By-laws in force or made under this Act, unless the context otherwise determines—

“Assessment Roll” means so much of the Assessment Roll that is in force as comprises the property situate in the Water District :

“Trustees” means the Members of the Town Board for the time being :

“Landholder” extends to and includes the owner or the occupier of any property situate within the District whose name is on the Assessment Roll :

“Minister” means the responsible Minister of the Crown for the time being administering this Act :

“Property” includes lands and buildings :

“Rate” shall mean a rate duly made under and for the purposes of this Act :

“Waterworks” extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, watercourses, tunnels, feeders, drains, channels, cuts, floodgates, sluices, conduits, filters, troughs, dams, embankments, pumps, culverts, pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act :

“Street” extends to and includes any public and common highway, road, main road, lane, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place :

“Person” includes Corporation :

“Chairman” means the Chairman of Town Board.

Division of Act.

3 This Act is divided into Eleven Parts, as follows :—

Part I.—Trustees and District.

Part II.—Power of Trustees.

Part III.—Supply of Water.

Part IV.—Rates.

Part V.—Borrowing Money.

Part VI.—Officers and their Accountability.

Part VII.—Accounts.

Part VIII.—By-laws.

Part IX.—Waste or Misuse of Water.

Part X.—Offences.

Part XI.—Miscellaneous.

Ulverstone Water.

A.D. 1905.

PART I.**TRUSTEES.**

4 The Town of *Ulverstone*, as described in the Schedule (1.) hereto, is hereby declared to be a Water District under and for the purposes of this Act, and shall be called the *Ulverstone Water District*; and whenever in this Act the word "District" is used, the same shall mean and include the *Ulverstone Water District* as described in the said Schedule. Water District.

5 The Town Board of *Ulverstone* shall be the Trustees under this Act, and shall have all the powers of a Water Trust in carrying out the purposes of the said Act. Water Trust.

PART II.**POWERS OF TRUSTEES.****(1.) Power to divert Water.**

6 Subject to the provisions herein contained, the Trustees are hereby empowered and authorised from time to time to take, divert, and appropriate within the said Water District such quantities of the waters of the *East and West Gawler Rivers* and other rivulets and streams flowing through or bounding the said Water District as shall be required by the Trustees for any of the purposes herein mentioned; and from time to time to enter upon the said rivers and other rivulets and streams and upon the banks and beds thereof, and to construct and erect on and in any portion of the banks and beds of the said rivers and other rivulets and streams such works as shall be necessary for the purposes of such taking and diversion and appropriation of so much of the said water of the said rivers and other rivulets and streams as aforesaid. Trustees empowered to divert water of the *East and West Gawler Rivers* to erect water-works.

7 It shall be lawful for the Trustees to use all or any portion of such water as aforesaid for any of the purposes hereinafter specified; viz.:— Purposes for which water so taken may be used.

- I. To supply the inhabitants of the Town of *Ulverstone* with water for domestic and manufacturing purposes, and for motive power, and for irrigation:
- II. To supply water in the Town of *Ulverstone* and in any contiguous district for any purpose that any person or public or corporate body may require.

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(2.) Power to take Land.

Purchase of land.

8 The Trustees are hereby empowered to purchase, acquire, and take any land which they may consider to be necessary for the purposes of this Act, and which they may think proper to purchase and take.

21 Vict. No. 11
incorporated.

9 *The Lands Clauses Act* shall, except as hereby expressly varied, be incorporated with this Act; but—

- I. There shall not be incorporated with this Act the Sections and provisions of the said Act hereinafter mentioned: that is to say,—Section Eight, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; Section Nine, whereby it is provided that the certificate of the Justices shall be evidence that the capital has been subscribed:
- II. In the construction of this Act and the said incorporated Act, this Act shall be deemed to be the Special Act, and the Trustees shall be deemed to be “the Promoters of the undertaking.”

Entry upon land?

10 For the purposes of this Act it shall be lawful for the Trustees to enter upon any land, and to take levels of the same, and to set out such parts of such land as the Trustees think necessary, and to dig, cut, trench, and break up the soil of such land, and to remove all earth, stone, trees, or other things dug or obtained out of the same, and to use such materials in the construction and upholding of the works authorised by this Act.

If compensation
excessive,
Trustees may give
up land.

11 Where the Trustees give notice of their intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Trustees deem it expedient to pay the amount of compensation so determined, they may, within Twenty-one days after notice of the amount of compensation so determined on, withdraw the first-mentioned notice on payment of all the costs of reference and award.

Construction of
waterworks,

12 It shall be lawful for the Trustees, from time to time, to make, construct, lay down, maintain, alter, or discontinue such waterworks upon any land within the said Water District as the Trustees think necessary for the purposes of this Act.

Trustees to give
notice prior to
first entry upon
land.

13 Prior to the first entry upon any land by the Trustees for the purposes of this Act, not less than Seven days' notice of the intention of the Trustees to enter shall be given by the Trustees to the owner and occupier, if any; but no notice shall be necessary previous to any subsequent entry by the Trustees upon such land for the purposes of this Act.

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14 In the exercise of the powers conferred by this Act, the Trustees shall do as little damage as can be, and, in all cases where it can be done, shall provide other watering-places, drains, and channels for the use of adjoining lands in place of any such as are taken away or interrupted by the Trustees.

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Trustees to do as little damage as may be.

15 The Trustees shall make compensation, in manner hereinafter provided, to all parties having a lawful right to the use of any water taken or diverted or appropriated by the Trustees under the authority of this Act, or having a lawful interest in any land which may be injuriously affected by the construction and maintenance of the waterworks under this Act, or otherwise by the execution by the Trustees of the powers hereby conferred, for all damage sustained by reason of the exercise as to such land or water of the powers vested in the Trustees by this Act other than damage sustained by the diversion or appropriation by the Trustees of water to be used solely for domestic purposes.

Trustees to make compensation for damage done by execution of works.

16 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Trustees, and served upon the Secretary or Chairman of the Trustees, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the water or land, as the case may be, in respect of which the claim is preferred; and if any such person and the Trustees do not agree as to the amount of such compensation, the same, and the application thereof, shall be determined by arbitration in the manner provided by *The Lands Clauses Act* in cases of disputed compensation.

Persons damaged to make claim for compensation.

Compensation, how to be ascertained.

17 In determining such claims regard shall be had to any benefit which may be done or accrue to the claimant by or as the result of the provisions in this Act contained.

Regard to be had to any benefit to accrue.

18 If the Trustees, by notice in writing, require any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Trustees by this Act previously to the service of such notice, such person shall not be entitled to compensation for any damage sustained by reason of the exercise of any such powers previously to the service of such notice, unless he prefers his claim, in manner aforesaid, within Six months after service of such notice.

Persons not making claim when required to be barred.

19 If either party is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation to be paid to the owner or occupier of any land taken or occupied under the authority of this Act, or with the decision of the arbitrator or umpire appointed to determine the amount of com-

Dissatisfied party may appeal to a Judge of the Supreme Court.

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— —

pensation to be paid to any person claiming the right to use any of the water diverted or appropriated by the Trustees, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds Fifty Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a Judge of the Supreme Court, and may have the amount of compensation fixed by a Judge of the said Court, in the manner hereinafter provided.

Procedure upon
appeal.

36 Vict. No. 19.

20 If the dissatisfied party desires to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with the Rules made by the Judges for conducting appeals under "The Main Line Railway Amendment Act, No. 2," so far as such Rules are applicable; and the amount of compensation to be paid in such cases shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose, and the Judge may also, in his discretion, make any Order as to the party by whom the costs of the appeal shall be borne.

Provided, that a Judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose, but no appeal shall be allowed after the expiration of Three months after service of notice of intention to appeal.

Award not to be
made a Rule of
Court until
Judge determines
matter in dispute.

21 Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a Rule of Court until a Judge of the Supreme Court, by an Order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Compensation for
diverting water to
be ascertained by
action in the
Supreme Court.

22 Where any claim for compensation involves damage alleged to have been sustained by reason of the taking or diversion or appropriation of any water and the right of the claimant in or to such water is disputed by the Trustees, if the Trustees within Fourteen days after the service of the notice of the claim give notice to the claimant that his right in or to such water is disputed, then such claim shall not be determined by arbitration, but shall be determined by an action in the Supreme Court to be brought by the claimant against the Trustees for damages or upon an issue agreed to between the claimant and the Trustees.

Action to be
commenced
within Three
months.

23 Every such action shall be commenced within Three months after the service on the claimant of such notice as aforesaid that his right is disputed, and not afterwards.

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24 The Trustees may from time to time and at all times for ever hereafter pay and make good to the owners and occupiers of all lands and buildings, and to every person whomsoever, all loss, costs, and charges, sums of money, damages, and expenses whatsoever, and for all injury of what nature or kind soever, as well immediate as consequential, which such owners or occupiers or other persons may suffer, incur, pay, expend, or be put to by reason or in consequence of the failure or giving way of any of the waterworks of the Trustees under this Act.

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—
Compensation for damage done by failure of the works.

25 No land acquired or held by the Trustees under the authority of this Act and used for the purposes of this Act shall, unless with the consent of the Governor in Council, be subject to the operation of *The Lands Clauses Act* or any Act incorporating the whole or any portion of that Act.

Land acquired under this Act not subject to *The Lands Clauses Act*.

(3.) Breaking up of Streets.

26 The Trustees may, from time to time, open and break up the soil and pavement of any street within the District or any Road District or Town or contiguous District through which it may be expedient to convey water from the said rivers and streams for the purposes of this Act, and may open and break up any sewers, drains, or tunnels within or under such streets or roads, and lay down and place therein or thereunder pipes, service-pipes, and other works and engines, and, from time to time, repair, alter, or remove the same; and, for the purposes aforesaid, remove and use all earth and materials in and under such streets and roads, and do all other acts which the Trustees from time to time deem necessary for supplying water to the inhabitants of the said town and ships and contiguous districts, doing as little damage as can be in the execution of the powers hereby granted.

Power to break up streets, &c., and to open drains.

27 The Trustees shall, before opening or breaking up any street without the District, give to the local authority or persons, if any, under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of the intention of the Trustees to open or break up the same not less than Three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as possible after the beginning of the work or the necessity for the same has arisen.

Notice to be served on persons, if any, having control of streets without the District.

28 No street without the District shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the local authority or persons, if any, having the control or management thereof, or of their officer, and according to such plan as is approved of by such local authority or persons or their officer, or, in case of any difference respecting such plan, then according to such plan as may be determined by Two Justices :

Streets not to be broken up except under superintendence of person having control of same.

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Provided, that if the local authority or persons having such control or management as aforesaid and their officer fail to attend at the time fixed for the opening of any such street after having had such notice of the intention of the Trustees as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Trustees may perform the work specified in such notice without the superintendence of such local authority or persons or their officer.

Streets, &c.,
broken up to be
reinstated without
delay.

29 When the Trustees open or break up any street, sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same was broken up and fill in the ground, and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times whilst any such street is so opened or broken up cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night.

PART III.**SUPPLY OF WATER.**

Supply of water
for domestic use
within the
District.

30 The Trustees shall, at the request of the owner or occupier of any dwelling-house situated within the District, and which is within One hundred feet of any main or other pipe laid down by the Trustees, furnish to such person by means of communication-pipes and other necessary and proper apparatus, to be provided, laid down, and maintained by the Trustees at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any private water-closet and fixed bath in such dwelling-house.

Supply of water
to properties
beyond the
District.

31 The Trustees may, in their absolute discretion, cause pipes to be laid down, and water to be brought to such places beyond the Water District as the Trustees see fit upon the application of any owner or occupier of any house, building, or other premises in any such places, on payment of the expense of providing and laying down such pipes: Provided that such owner or occupier shall execute an agreement binding himself to take such supply of water for Three successive years at least to the satisfaction of the Trustees, and on such terms for the payment for such water supply as may be agreed on.

Supply of water
for other purposes
than domestic
use.

32 The Trustees may, if they see fit, furnish to any person a supply of water for irrigation purposes, or for steam-engines, or for warming any dwelling-house or other premises, or for working any machine or apparatus, or for horses or cattle, or for washing

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carriages, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade, manufacture, or business, whether carried on in any dwelling-house or in other premises, or for any other purpose not domestic, such respective supplies being so furnished at such charges, and upon such terms and conditions, as may be agreed upon between the Trustees and the person desiring the same. A.D. 1905.

Provided always, that, as far as possible, the charge for such supply of water shall be uniform to all persons in the same circumstances, and requiring the same extent of supply.

33 The description of pipes and other apparatus by means of which water is laid on, distributed, or supplied, within the outer boundary of any premises, shall be such as the Trustees determine, either generally or in classes of cases or in any particular case, and the Trustees shall not be bound to supply water in any case in which the required description of pipes or other apparatus is not provided; and the Trustees may cut off the pipes or turn off the water from any premises supplied with water until the required description of pipes or other apparatus is provided. Trustees may determine the description of service pipes to be used.

PART IV.**RATES.**

34 It shall be lawful for the Trustees, yearly, half-yearly, or at such other periods as to them may seem necessary, to make and levy a Rate to be paid by the occupiers of all property within the District for the purposes of this Act. Trustees to fix Water Rate in respect of buildings within the District.

35 Such Rate shall be called a Water Rate, and may be of an amount not exceeding the sum of Two Shillings in the Pound per annum on the assessed annual value of the property within the District, and, except as it is herein otherwise provided, all the provisions of "The Town Boards Act, 1896," relating to the making, levying, collection, and recovery of Rates shall apply to the making, levying, collection, and recovery of every Rate imposed under the authority of this Act. Provided that the Water Rate payable in respect of any house or dwelling within the Water District shall in no case be less than Twelve Shillings per annum. Rate may be levied on the annual value of property.

36 No person shall be liable to the payment of the said Water Rate in a greater proportion than upon One-fourth part only of such annual value of any property occupied by such person unless such property is actually supplied with water for domestic purposes, or unless the mains or other pipes of the Board are laid down and properly supplied with water within One hundred feet of outer boundary of such property. One-fourth only of rate to be levied unless premises are supplied with water.

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Upon making
Rate notice of
same to be given.

37 Upon the making of any Water Rate under this Act, a notice signed by the Chairman of the Trustees and not less than Two other Trustees, specifying the amount in the Pound of the Rate, the period for which the same is made, and at what time the same is payable, shall be published in the *Gazette*, and also in Two consecutive numbers of a daily newspaper circulating in the District; and upon any such notice being so published, the Rate therein mentioned shall be payable and paid at the time specified in such notice by the persons liable to pay the same, according to the annual value of such property as ascertained and determined by the Assessment Roll then in force; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the Rate, or the sums which according to such Rate such persons are liable to pay, or any other particulars than are hereinbefore mentioned.

Where several
premises supplied
by one pipe, each
to pay.

38 When several buildings are supplied by one common pipe, the several occupiers of such buildings shall be liable to the payment of the same Rate for the supply of water as they would have been liable to if each of such several buildings had been supplied with water from the waterworks by a separate pipe.

Rate, how to be
recovered.

39 If any person liable as herein provided to pay a Water Rate neglects to pay the same within due time after the same had been lawfully demanded, the Trustees may stop the water from flowing into the premises in respect of which such Rate is payable, by cutting off the pipe to such premises or by such means as the Trustees think fit, and may recover the amount due from such person, with the expense of cutting off the water, in the same manner as any Water Rate is recoverable under this Act.

Charges for
water, how to be
recovered.

40 The like proceedings may be had for recovering and enforcing the payment of any expenses incurred in the execution of this Act which may become payable by any person to the Trustees, or for enforcing and recovering payment for any charge for the supply of water by the Trustees under this Act, as may be had for enforcing and recovering payment of any Water Rate.

No imprisonment
for non-payment
of rate or charges.

41 No person shall be liable to be imprisoned for non-payment of any expenses or Water Rate or charge for water supplied under the provisions of this Act.

Persons supplied
with water
beyond the
District to pay
Water Rate.

42 The occupiers of all properties beyond the District to which water shall be brought by the Trustees as hereinbefore provided shall pay Water Rates in respect of such properties in the same manner as if such properties were situate within the District, and every Water Rate levied by the Trustees shall be recoverable from all such persons as if such properties were situate within the District.

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43 It shall be lawful for the Trustees, upon the complaint of any person liable to the payment of any Rate, to remit or excuse the payment thereof, or any part thereof, on account of the poverty of such person; and the Trustees shall also remit payment of half the Rate whenever the house in respect of which such Rate is levied has been unoccupied for the unbroken period of Six calendar months or upwards during the year for which such Rate is levied: Provided application in writing be made, and the applicant satisfy the Chairman of Trustees that such house has been so unoccupied.

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Power to remit
Rates on account
of poverty.

PART V.**BORROWING MONEY.**

44 It shall and may be lawful for the Trustees to borrow, as herein provided, such sum or sums of money, not exceeding the sum of Nine thousand Pounds in the whole, as shall from time to time be necessary for defraying the expense of making, constructing, establishing, repairing, carrying on, and managing any Water-works under the authority of this Act, or the payment of any such compensation as aforesaid, or any other expense incident to the effectuating the objects or the preparation and passing of this Act; and it shall be lawful for the Governor in Council from time to time to grant to the Trustees as a loan or loans, for carrying out the objects of this Act under the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money not exceeding in the whole the sum of Nine thousand Pounds: Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any such proposed works, nor the report of the Engineer-in-Chief thereon, as provided in Section Two of the said Act; but before any part of the said sum of Nine thousand Pounds shall be advanced to the Trustees, plans and specifications of the proposed works, together with a report by the Engineer-in-Chief upon the necessity of such works and probable cost thereof, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in the said report, and that the works can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor in Council.

Power to borrow.

45 The Trustees shall, from time to time, so regulate the Water Rate and charges to be levied and made for the supply of water under the provisions of this Act that the amount of such Rate and charges shall be, as near as may be, sufficient to pay the interest upon any money borrowed by the Trustees for the purposes of this Act, together with the cost of managing and conducting the Water-works; and if in any year the amount received is more than sufficient for all the purposes aforesaid, the Trustees are hereby

Rates and charges
for water to be so
regulated as not
to exceed annual
expenditure.

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required, whenever practicable, to make a proportionate reduction in the Rates and charges payable by the consumers of water to be in the next year made in respect of water supplied under and by virtue of this Act.

PART VI.**OFFICERS AND THEIR ACCOUNTABILITY.****Power to appoint
Officers.**

46—(1.) The Trustees shall, from time to time, appoint a Treasurer, who may be one of the Trustees, and a Secretary, and may, from time to time, appoint and employ a Solicitor, Clerk, and such Surveyors, Collectors of Water Rate, and other Officers as the Trustees think necessary and proper; and, from time to time, may remove any of such Officers, and appoint others in the room of such as are so removed, or as may die, resign, or discontinue their offices; and may, out of the moneys at the disposal of the Trustees under this Act, pay such salaries and allowances to the said Officers respectively as the Trustees think reasonable.

(2.) Nothing herein contained shall prevent the same person from being appointed to hold more than one of such offices at the same time if the Trustees so think fit, except as hereinafter provided.

(3.) It shall not be lawful for the Trustees to appoint the same person to be a Collector and also Treasurer of the Trustees.

**Trustees not to
be Officers.**

47 Every person holding any office or place of profit in the gift or disposal of the Trustees, other than that of Treasurer, shall be disqualified from being a Trustee, and if any Trustee is appointed to any such office or place of profit, he shall thereupon cease to be a Trustee: Provided that any Trustee who is appointed Treasurer shall be liable to all the provisions of this Act relating to such officer in the same manner as if he were not a Trustee.

**Security from
Officers.**

48 Before any person, whether Treasurer, Secretary, Collector, or other Officer, who is entrusted by the Trustees with the custody or control of moneys by virtue of his office, enters upon such office, the Chairman of Trustees shall take sufficient security for the faithful execution thereof.

**Officers to keep
account books.**

49 Every Officer or person employed by the Trustees shall, in books to be provided by the Trustees for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums have been received or paid, and of all acts done by him by direction of the Trustees; and such books shall at all times be open to the inspection of any Trustee.

**Payment over
of money by
Officers.**

50 Every Collector or other Officer appointed or employed by the Trustees to collect money shall, within Seven days after he has

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received any moneys on behalf of the Trustees, pay over the same to their Treasurer, and the receipt of such Treasurer for the moneys so paid shall be a sufficient discharge to such Collector or other Officer; and every such Collector or Officer shall, in such time and in such manner as the Trustees direct, deliver to the Trustees true and perfect accounts in writing under his hand of all moneys received by him and of all moneys paid by him to the said Treasurer, and also a list of the names of all persons who have neglected or refused to pay any moneys owing by them, with a statement of the moneys due from them respectively.

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51 Every Collector and other Officer appointed or employed by the Trustees shall, from time to time when required by the Trustees, make out and deliver to the Trustees, or to any person appointed by the Trustees for that purpose, a true and perfect account in writing under his hand of all moneys received by him on behalf of the Trustees; and such accounts shall state how and to whom, and for what purpose such moneys have been disposed of, and together with such accounts such Officer shall deliver the vouchers and receipts for such payments; and every such Officer shall pay to the Trustees, or to any person appointed by the Trustees to receive the same, all moneys which appear to be owing from him upon the balance of such accounts.

Officers to account.

52 If any such Collector or other Officer fails to render such accounts as aforesaid, or to produce and deliver up all books, vouchers, and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for Five days after being thereunto required he fails to deliver up to the Trustees, or to any person appointed by the Trustees to receive the same, all books, papers, and writings, property, effects, matters, and things in his possession or power relating to the execution of his office or belonging to the Trustees, then on complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before Two or more Justices, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such Officer, or upon proof that such summons was personally served upon him or left at his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such Officer; and if it appears, either upon confession of such Officer, or upon evidence, or upon inspection of the account, that any moneys of the Trustees are in the hands of such Officer, or owing by him to the Trustees, such Justices may order such Officer to pay the same; and if he fails to pay the amount it shall be lawful for such Justices to grant a Warrant to levy the same by distress, and in default of sufficient distress to commit the offender to gaol, there to remain without bail for a period not exceeding Three months, unless the same is sooner paid.

Summary proceeding against Officers failing to account.

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Officers refusing
to make out
accounts, &c., may
be committed.

53 If any such Officer summoned as aforesaid refuses to make out such account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power belonging to the Trustees, such Justices may commit such offender to gaol, there to remain until he has delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things in his possession or power belonging to the Trustees.

If Officer about
to abscond
Warrant may be
issued.

54 If any Trustee or other person acting on behalf of the Trustees makes oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such Officer as aforesaid to abscond, the Justice before whom the complaint is made may, instead of issuing his summons, issue his Warrant for bringing such Officer before such Two Justices as aforesaid; but no person executing such Warrant shall keep such Officer in custody longer than Twenty-four hours without bringing him before some Justice; and the Justice before whom such Officer is brought may either discharge such Officer, if he thinks there is no sufficient ground for his detention, or order such Officer to be detained in custody so as to be brought before Two Justices at a time and place to be named in such Order, unless such Officer gives bail to the satisfaction of such Justice for his appearance before such Justices to answer the complaint of the Trustees.

Proceedings
against Officers
not to discharge
sureties

55 No such proceeding against or dealing with any such Officer as aforesaid shall deprive the Trustees of any remedy which they would otherwise have had against such Officer or any surety of such Officer.

PART VII

ACCOUNTS.

Trustees to keep
accounts of
receipts and
disbursements.

56 The Trustees shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid under the authority of this Act, and of the several purposes for which such sums of money have been received and paid, which books shall at all reasonable times be open to the inspection of any Trustee or creditor of the Trustees, without fee or reward; and the persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same; and any person having the custody of the said books who does not, on the reasonable demand of any person

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as aforesaid, permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall, for every such offence, incur a penalty not exceeding Five Pounds.

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57 As soon as the moneys at any time in the hands of the Collector or the Treasurer of the Trustees shall amount to Five Pounds he shall forthwith pay the same into some Public Bank in this State to the account of the Trustees; and no part of such moneys shall be drawn out of such Bank except by cheque signed by the Chairman and Treasurer of the Trustees.

Moneys received to be paid into Bank.

58 The Trustees shall, before the end of the Second week in the month of *March* in each year, cause the accounts of the Trustees up to and including the last day of *December* next preceding to be balanced, and also cause a full and true statement and account to be drawn out of the amount of all Rates made and levied, and of all moneys received and expended during the preceding year, and also of all debts then owing by and to the Trustees; and such statement and account shall be signed by the Chairman and not less than Two Trustees.

Statement and account to be annually prepared.

59 The accounts of the Trustees mentioned in the Fifty-sixth Section of this Act shall be subject and liable to all the provisions of "The Audit Act, 1901," in the same manner as the accounts of Trustees of Road Districts are now subject and liable; and the statement and account mentioned in the Fifty-eighth Section of this Act shall be forwarded to the Auditor-General during the month of *March* in every year; and such statement and account, with the report of the said Auditor-General thereon, shall be published in the *Gazette* as soon as may be after the same have been audited.

Audit of accounts.

1 Ed. VII. No. 15.

60 All moneys whatsoever levied, received, or recovered under the authority of this Act shall be at the sole and absolute disposal of the Trustees, to be by them applied in such manner as they see fit in carrying out and effectuating the purposes of this Act, and to no other purpose.

Appropriation.

PART VIII.**BY-LAWS.**

61 The Trustees shall have power from time to time to make, alter, modify, amend, or repeal By-laws for the following purposes :—

By-laws.

For regulating the charges, terms, and conditions upon which water shall be supplied in the cases provided for by Sections Thirty-one and Thirty-two of this Act :

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For regulating the description of pipes and other apparatus by means of which water may be laid on, distributed, or supplied from the waterworks, and for prohibiting the use of any other description of pipes or apparatus :

For regulating the distance or distances from the waterworks at which yards, pigsties, stables, cow-houses, cesspools, closets, and such like places shall be made, placed, or erected :

For preventing injury to the waterworks :

For regulating all or any matters and things whatsoever connected with the water to be supplied by means of the waterworks :

And otherwise for the better effectuating any of the purposes of this Act in any manner not otherwise sufficiently provided for :

And to provide that any such By-law may be enforced by cutting off the pipe or turning off the water, or by such pecuniary penalty, not exceeding in any case the sum of Ten Pounds.

By-laws to be certified and published.

62 No By-law to be made by the Trustees shall be of any force and effect until it has been certified by the Attorney or Solicitor-General not to be repugnant to this Act or to the general spirit and intendment of the Laws in force in *Tasmania*, and published in the *Gazette*.

By-laws to be published and laid before Parliament.

63 All By-laws made hereunder shall be published in the *Gazette*, and shall be laid before both Houses of Parliament within Fourteen days after the publication thereof if Parliament is then sitting, or if not then sitting, then within Fourteen days from the next assembling of Parliament; and upon publication in the *Gazette* all such By-laws shall have the force of law.

PART IX.

WASTE OR MISUSE OF WATER.

Service-pipes be kept in repair.

64 In case any person, when required by the Trustees, neglects to keep the pipes and other apparatus by means of which his premises are supplied with water in good repair, the Trustees may cut off the pipe or turn off the water from such premises until such pipes and other apparatus are sufficiently repaired.

Trustees may repair service-pipes.

65 The Trustees may repair any such pipe or other apparatus so as to prevent any such waste of water, and the expenses of such repair shall be repaid to the Trustees by the person so allowing the same to be out of repair, and may be recovered by the Trustees from such person in a summary way.

Ulverstone Water.

66 Every cistern or other receptacle for water which the Trustees may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Trustees, shall be so constructed and used in such manner as may be prescribed by regulations to be made by the Trustees, so as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Trustees, or into any pipes connected or communicating therewith; and the Trustees may cut off the pipe attached to, or turn off the water supplied to, any cistern or other receptacle for water so permitted to be used, or any closet, soil-pan, or private bath which is not constructed and used as prescribed as aforesaid, until such cistern or other receptacle for water, or such closet, soil-pan, or private bath is constructed and used as prescribed as aforesaid.

A.D. 1905.

—
Cisterns, &c., to
be constructed so
as to prevent
waste or impurity.

67 Any Officer of the Trustees or other person acting under the authority of the Trustees may at all reasonable times enter into any house or premises supplied with water by virtue of this Act, in order to examine if there is any waste or misuse of such water; and if such Officer or other person is at any such time refused admittance into such house or premises for the purpose aforesaid, or is prevented from making such examination as aforesaid, the Trustees may cut off the water from such house or premises.

Power to enter
premises to
inspect.

PART X.**OFFENCES.**

68 Every person who wilfully obstructs, hinders, or interrupts the Trustees, or any person acting under the authority of the Trustees, in doing or performing any work by this Act authorised to be done or performed by the Trustees, or in the exercise of any power or authority by this Act conferred on the Trustees, shall for every such offence incur a penalty not exceeding Fifty Pounds.

Penalty for ob-
structing Trustees.

69 Every person who commits any of the following offences shall, for every such offence, incur a penalty not exceeding Fifty Pounds :—

Injuring Water-
works or prevent-
ing flow of water.

Destroys or injures any of the waterworks;

Otherwise injures or obstructs the passage of the water in a pure and wholesome state through any waterworks of the Trustees.

Ulverstone Water.

A.D. 1905.

Fouling water.

70 Every person who commits any of the offences next following shall, for every such offence, incur a penalty not exceeding Ten Pounds :—

- I. Every person who bathes in any part of the *Gawler* Rivers within a mile above the intake of the waterworks of the Trustees, or washes, throws, or causes to enter therein any dog or other animal alive or dead :
- II. Every person who throws any dead animal, rubbish, dirt, filth, or other noisome thing into any such part of the *Gawler* Rivers as aforesaid, or into any waterworks of the Trustees, or within half a mile of the intake, washes or cleanses in the said river any cloth, wool, leather, or skin of any animal, or any clothes or other thing :
- III. Every person who causes or permits the water of any sink, sewer, or drain, steam-engine, boiler, or other filthy water belonging to him or under his control, to run or be brought into any such part of the *Gawler* Rivers as aforesaid, or into any waterworks of the Trustees, or who does or permits any other act whereby the water of the waterworks or supplying the same is fouled :
- IV. Every person who permits or suffers the drainage from any yard, pigsty, stable, cow-house, or any place to so run, drain, or percolate as calculated to render the water in the waterworks or supplying the same unwholesome or offensive.

And every such person shall incur a further penalty of not more than Two Pounds for each day during which such last-mentioned offence is continued after the expiration of Twenty-four hours from the time when notice of the offence has been served on such person by the Trustees.

Maliciously
injuring works or
fouling water a
Misdemeanor.

71 Every person who wilfully and maliciously damages or destroys any of the waterworks or any part thereof, or who wilfully and maliciously does any act calculated to render the water in the waterworks or supplying the same unwholesome or offensive, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding Three years.

Certain offenders
may be appre-
hended.

72 Any person found committing any offence mentioned in the last preceding Section may be immediately apprehended without a warrant by any constable or any person who sees such offence committed, and forthwith taken before a Justice of the Peace to be dealt with according to law.

Allowing persons
not supplied to
use the water.

73 Every owner or occupier of any premises supplied with water under this Act who supplies to any other person, or wilfully

Ulverstone Water.

permits him to take any of such water from any cistern or pipe in or on such premises, unless for the purpose of extinguishing any fire, or unless he is a person supplied with water by the Trustees from the waterworks, and the pipes belonging to him are, without his default, out of repair, shall for every such offence incur a penalty not exceeding Twenty Pounds.

A.D. 1905.

74 Every person who, without due authority, takes any water from any waterwork belonging to the Trustees, or any pipe leading to any such waterwork or other like place containing water belonging to the Trustees, other than such as may have been provided for the gratuitous use of the public, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Taking water
without authority.

75 Any person who makes any pipe to communicate with any waterwork or pipe of the Trustees, without the authority of the Trustees in that behalf, shall incur a penalty not exceeding Twenty Pounds.

Attaching service-
pipe without
authority.

76 Every person supplied with water by the Trustees who suffers any pipe or other apparatus by means of which his premises are supplied with water to be out of repair, so that the water supplied to him by the Trustees is wasted, shall for every such offence incur a penalty not exceeding Five Pounds.

Suffering service-
pipe to be out of
repair.

77 Every person who wilfully or carelessly breaks, injures, or opens any locks, cock, valve, pipe, work, or engine belonging to the Trustees, or flushes or draws off water from the reservoirs or other waterworks of the Trustees, or does any other wilful act whereby such water is wasted, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Destroying
valves, &c.

78 Whenever the water supplied by the Trustees is fouled by the gas of any persons making or supplying gas, such persons shall for every such offence incur a penalty not exceeding Twenty Pounds, and a further penalty not exceeding Ten Pounds for each day during which the offence continues after the expiration of Twenty-four hours from the service of notice of such offence.

Fouling water
by gas.

79 Where the doing of any act or thing is made punishable by this Act, or by any By-law in force under the authority of this Act, with any penalty, fine, or forfeiture, the causing, procuring, permitting, or suffering such act or thing to be done shall be punishable in like manner.

Accessories to
offences liable as
principals.

80 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act may, unless otherwise expressly provided, appeal against the same in the manner prescribed by *The Appeals Regulation Act*.

Appeal from
penalties.

19 Vict. No. 10.

Ulverstone Water.

A.D. 1905.

PART XI.

MISCELLANEOUS.

Powers conferred
on Trustees to
extend to officers
duly authorised.

81 Whenever by this Act authority is conferred on the Trustees to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall equally extend to all persons acting by the direction of the Trustees, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

Interest in
execution of Act
not to be a
disqualification.

82 No person shall be disqualified from acting as a Judge, Justice of the Peace, Juror, or otherwise in any proceeding under this Act, or any Act incorporated herewith, by reason only of his being a landholder of the District, or by reason of his being liable to any Rate or charge for water supplied under this Act, or of his premises being supplied, or being so situated as to be capable of being supplied, with water under this Act.

Trustees, how to
sue and be sued.

83 The Trustees shall sue and be sued, and all proceedings before any Court or a Judge of any Court, and all proceedings taken or adopted in pursuance of the provisions of this Act, shall be taken or adopted by or against them, by the name of "The Trustees of the *Ulverstone Water District*," without otherwise naming such Trustees, and service of any legal process on the Chairman or Secretary shall be deemed and taken as good service on the said Trustees.

Property may be
laid in the
Trustees.

84 The property in all land purchased by the Trustees, and in all moneys at their disposal for the purposes of this Act, and in all waterworks, with the several appliances and appurtenances thereto belonging, and the materials of which the same consist, and all materials, tools, implements, and things furnished and provided by the Trustees for the purposes of this Act, shall for the purposes of this Act be vested in the Trustees of the *Ulverstone Water District* for the time being without otherwise naming such Trustees; and in any proceedings civil or criminal relating to any such land, waterworks, money, or property so vested in the Trustees for the purposes of this Act, it shall be sufficient to describe such property, waterworks, or money as the property, waterworks, or money of "The Trustees of the *Ulverstone Water District*."

Offences to be
dealt with
summarily.
19 Vict. No. 8.
Appropriation of
penalties.

85 All offences against this Act, or any By-law made hereunder, shall be heard and determined in a summary way by any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and all penalties for offences against this Act shall be applied to the use of the Trustees, and shall be paid to the Treasurer of the Trustees, and shall be carried to the credit of the Water Account.

Ulverstone Water.

86 Every book in which Orders and Proceedings are entered under the provisions of this Act shall be received as *prima facie* evidence in all Courts, and before all Judges, Justices of the Peace, and others, that such Orders and Proceedings were duly made and had; and the onus of proving that such Orders and Proceedings respectively were not duly made and had shall in all cases rest upon the defendant or the party disputing the validity thereof.

A.D. 1905.

Books containing records to be evidence in Courts of Justice, &c.

87 No action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action, and of the cause thereof, is given to the defendant One month at least before the commencement of the action, and such action is commenced within Six months after the cause of action has accrued; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time; and if a verdict passes for the defendant, or if the plaintiff becomes nonsuit or discontinues such action, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by Law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon.

Persons acting under Act entitled to notice of action, &c.

Poll to be taken.

88 The Board shall not proceed in the matter of borrowing any sum of money under the authority of this Act until and after a Poll has been taken of the electors of the Town of *Ulverstone* for the purpose of ascertaining whether the Board shall be permitted to proceed in the matter of borrowing such moneys. If at the taking of such Poll a less number than Two-thirds of the votes then recorded shall be in favour of the Board proceeding to borrow any sum of money under this Act, the Board shall not proceed to borrow any such money: Provided that, in the event of there not being the necessary number of votes recorded at such Poll in favour of the Board borrowing such money, the Board may at any time after the expiration of Three months cause another Poll of the electors to be taken, and if at any such subsequent Poll the necessary number of votes is obtained, the Board may proceed to borrow such money.

Poll to be taken before money borrowed.

89 When the Trustees shall decide to take a poll of the owners and occupiers as aforesaid, they shall cause a notice of such poll to be inserted not less than Three times in a daily newspaper cir-

Notice of poll to be published.

Ulverstone Water.

A.D. 1905.

culating in the District, and in Two consecutive numbers of the *Gazette*; and such notice shall contain the following particulars : ---

- I. The time and place of such election :
- II. The works proposed to be constructed or performed by the Trustees :
- III. The estimated cost of such works.

Proceedings to be
had as upon
election of
Councillors.

90 Subject to the foregoing provisions, upon the taking of any poll as aforesaid, all proceedings shall be had and taken as nearly as may be as upon an election of Trustees as the case may require.

SCHEDULE.

(1.)

BOUNDARY OF ULVERSTONE WATER DISTRICT.

THE Water District shall be the Town of Ulverstone, proclaimed under the Town Boards Act, May 22nd, 1848, comprising a tract of land on both sides of the River Leven, and bounded by that river, by Bass' Strait, Lot 448, leased to H. B. B. Button; Lot 440, purchased by Andrew Risby; Lot 350, purchased by J. Thompson, F. M. Innes, and Adye Douglas; and Lot 638, leased to J. D. Jowett.

(2.)

DISTRESS WARRANT FOR WATER RATE.

TASMANIA } To X.Y. [a Collector of Water Rate for the Ulverstone Water District
TO WIT. } *or some other fit person.*
Whereas complaint has been made before [me], a Justice of the Peace, that A.B., of _____ has not paid the sum of _____ payable by him in respect of certain property situate [*describe property fully*] by virtue of the Water Rate for the Ulverstone Water District made on or about the _____ day of _____ 19____, although the same has been duly demanded of him : And whereas it appears to me upon the oath of [the said X.Y.] a Collector of Water Rate for the said Water District that the sum of _____ has been duly demanded by him from the said A.B., and that the said A.B. has failed _____ the same for the space of _____ days after such demand made, and has not paid the same : And whereas the said A.B. having appeared before me in pursuance of a Summons issued by [me] for that purpose, has not shown sufficient cause why the said sum of _____ should not be paid : [*or* And whereas it has been proved to me upon oath that the said A.B. has been summoned to appear before [me] or such other Justice of the Peace as might now be here to show cause why the said sum of _____ should not be paid, and the said A.B. has neglected to appear according to such Summons, and has not shown any sufficient cause why the said sum of _____ should not be paid :] These are therefore to command you forthwith to make Distress of the Goods and Chattels of the said A.B. wheresoever the same may be found, and also of all Goods and Chattels found by you upon the

Ulverstone Water.

said property to whomsoever the same may belong ; and unless at any time within the space of [*Four*] days after such Distress by you made the said sum of £
 and the sum of £ for costs, making together the sum of £
 together with all costs, charges, and expenses attendant upon such Distress, be paid to you, that you cause the said Goods and Chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said last-mentioned sum, and also all costs, charges, and expenses attendant upon such Distress and Sale, rendering to the said *A.B.* or other person whose Goods and Chattels are so distrained by you, as the case may be, the overplus, if any, on demand ; [*in case the Warrant is directed to some other person than the Collector, and the said sum of*
 you are hereby commanded to pay to (the said *X.Y.*) the said Collector of Water Rate ;] and if no sufficient Distress can be made of the Goods and Chattels of the said *A.B.* or otherwise as aforesaid, that then you certify the same to me together with this Warrant.

Given under my hand, this

day of

190

J.P.

Justice of the Peace.

(3.)

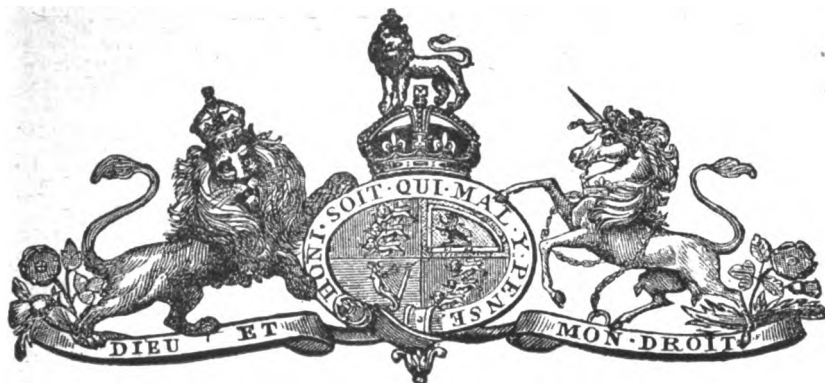
BALLOT-PAPER.

FOR.

AGAINST.

If you are in favour of the proposed Loan you will strike out the word "Against," and if you are opposed to the proposed Loan you will strike out the word "For."

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 48.

AN ACT to amend "The *Longford* Lighting Act, 1903." A.D. 1905.
[20 November, 1905.] —

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The *Longford* Lighting Act Amendment Act, 1905;" and this Act and "The *Longford* Lighting Act, 1903," hereinafter called "the Principal Act," shall be read together. Short title.

2 Notwithstanding anything to the contrary contained in the Principal Act, it shall not be lawful for the Trustees to publish the notice referred to in Sections Seven and Eight of that Act, nor shall the Poll referred to in Section Seven aforesaid be taken, unless the Trustees shall have previously received a Petition signed by not less than Two-thirds in number of the persons who are owners or occupiers of property, as shown by the Assessment Roll, situate within the area proposed to be added to the Light District, praying that the Light District may be made the same in size and area as the *Longford* Water District. Amendment of Section Seven of Principal Act.

4d.]

Longford Lighting Act Amendment.

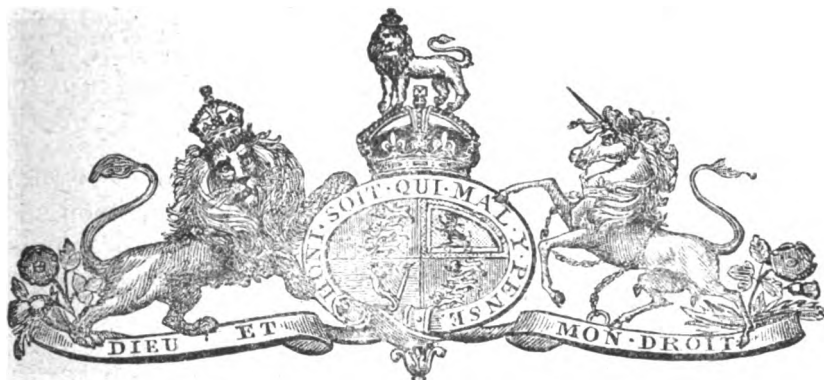
A.D. 1905.

Amendment of
Section Ten
of Principal Act.Amendment of
Section Four of
Principal Act.

3 Section Ten of the Principal Act is hereby amended by inserting after the word "may," in line One, the words "upon the Petition of the Municipal Council of *Longford*."

4 Section Four of the Principal Act is hereby amended by omitting in line Seven the word "Trusrees," and inserting the word "Trustees" in lieu thereof.

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 49.

AN ACT to authorise the Loan of One thousand two hundred Pounds. to the Board of the Town of *Devonport*, in accordance with the provisions of "The Local Public Works Loans Act, 1890." [20 November, 1905.] A.D. 1905.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may for all purposes be cited as "The *Devonport* Town Board Loan Act, 1905." Short title.

2 It shall be lawful for the Board of the Town of *Devonport* to purchase all those Seventy-eight acres or thereabouts of land, together with the buildings thereon, belonging to *Mobray Grey*, and situate in the District of *Spreyton*, near the Town of *Devonport*, to be vested in the Town Board of *Devonport* empowered to purchase land at *Spreyton* for 4d.]

Devonport Loan.

A.D. 1905.

—
 purposes of a
 Sanitary Farm,
 Public Cemetery,
 and Abattoirs.

Power to borrow
 purchase-money.

Governor in
 Council may
 grant loan to
 Board under 54
 Vict. No. 30.

Poll to be taken
 before moneys
 borrowed.

Method of taking
 Poll.
 60 Vict. No. 31.

Poll to be
 advertised.

the electors and Board of the Town of *Devonport* for the purposes of a Sanitary Farm, Public Cemetery, and Abattoirs.

3 It shall be lawful for the Board of the Town of *Devonport* to borrow any sum or sums, not exceeding in the whole One thousand two hundred Pounds, for the purpose of defraying the cost of purchasing the said Seventy-eight acres of land for the purposes of a Sanitary Farm, Public Cemetery, and Abattoirs as aforesaid.

4 It shall be lawful for the Governor in Council to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," the sum of One thousand two hundred Pounds as a loan to the said Board of the Town of *Devonport*, for the purpose of defraying the cost of purchasing the said Seventy-eight acres of land for the purposes of a Sanitary Farm, Public Cemetery, and Abattoirs as aforesaid, and such sum of money shall be defrayed out of moneys to be provided by Parliament for that purpose: Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any proposed works, nor the report of the Engineer-in-Chief thereon, as provided in Section Two of the said Act.

5 The Board of the Town of *Devonport* shall not proceed in the matter of purchasing the said Seventy-eight acres of land, or of borrowing any sum of money under the authority of this Act, until after a Poll has been taken of the electors of the Town of *Devonport*, for the purpose of ascertaining whether the Board shall be permitted to proceed in the matter of purchasing the said land and borrowing such moneys. If at the taking of such Poll a less number than Two-thirds of the votes shall be in favour of the Board proceeding to purchase the said land and borrow any sum of money under this Act, the Board shall not proceed to purchase the said land and to borrow any such money: Provided that in the event of there not being the necessary number of votes recorded at such Poll in favour of the Board purchasing the said land and borrowing such money, the Board may, at any time after the expiration of Three months, cause another Poll of the electors to be taken; and if at any such subsequent Poll the necessary number of votes is obtained, the Board may proceed to purchase the said land and to borrow such money.

6 Every Poll of Electors taken under the provisions of this Act shall be taken in the same manner as a Poll in the Town of *Devonport* for the election of Members of the Board, and every elector shall be entitled to the same number of votes as the number which he is entitled to use at an election of a Member of the Board; and the ballot-papers to be used in the taking of every such Poll shall be in the form set forth in the Schedule to this Act.

7 When the said Board shall decide to take a Poll of the electors as aforesaid, they shall cause an advertisement of such Poll to be

Devonport Loan.

inserted not less than Three times in a daily newspaper circulating in the Town of *Devonport*, and in Two consecutive numbers of the *Gazette*; and such advertisement shall contain the following particulars :—

A.D. 1905.

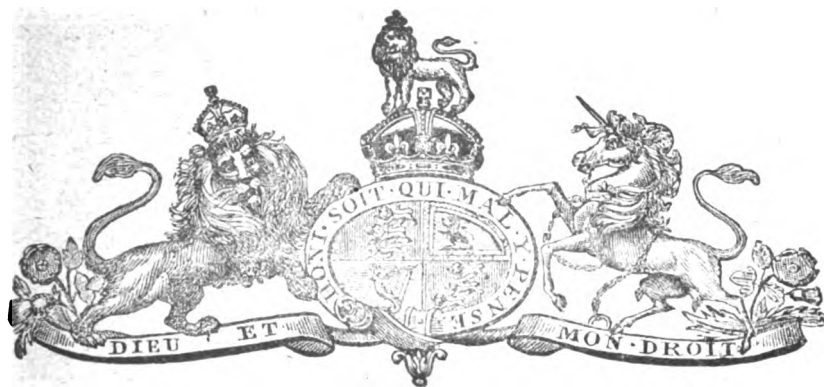
- i. Time and place of such Poll :
- ii. A short description of the land proposed to be purchased, and the purposes for which it is proposed to use same :
- iii. The amount of purchase-money proposed to be paid for the said land :
- iv. The amount proposed to be borrowed.

SCHEDULE.

BALLOT-PAPER.**FOR.****AGAINST.**

If you are in favour of the proposed Purchase and Loan, you will strike out the word "Against," and if you are opposed to the proposed Purchase and Loan, you will strike out the word "For."

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 50.

AN ACT to repeal "An Act to create a Public Recreation Ground at *Cornelian Bay*, and to appoint Trustees thereof." A.D. 1905
[20 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 From and after the commencement of this Act, the Act of Parliament 53 *Victoriae*, No. 61, entitled "An Act to create a Public Recreation Ground at *Cornelian Bay*, and to appoint Trustees thereof," is hereby repealed. Repeal of 53 Vict. No. 61.

JOHN VAIL,
GOVERNMENT PRINTER, TASMANIA

T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS.



AN ACT to authorise *Arnold Wertheimer*, A.D. 1905.
Esquire, or his assigns to construct, maintain, and work an Aerial Ropeway or other system of Railway from a point at or near the Springs, *Mount Wellington*, to the Pinnacle, *Mount Wellington*.

[26 October, 1905.]

WHEREAS *Arnold Wertheimer* (hereinafter called "the Promoter") is desirous of acquiring the right to construct, maintain, and work an Aerial Ropeway or other system of Railway from a point at or near the Springs, *Mount Wellington*, to the Pinnacle on *Mount Wellington* aforesaid, for the purpose of carrying passengers thereon : PREAMBLE.

And whereas such object cannot be attained without the authority of Parliament, and it is expedient that such authority be granted :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited for all purposes as "The *Mount Wellington* Short title, Aerial Railway Act."

[*Private.*]

4d.]

Mount Wellington Aerial Railway.

A.D. 1905.

Railways Clauses
Act to apply.

2 All the provisions of "The Railways Clauses Consolidation Acts 1901" shall, so far as they are consistent with this Act and can be applied to the works authorised hereby, be applied to the said works; and the said Act is hereby incorporated with this Act, and the expression "this Act" shall hereinafter mean this Act with the said Railways Clauses Consolidation Act incorporated.

Power to con-
struct and work
aerial ropeway.

3 Subject to the provisions of this Act, the Promoter or his assigns may construct and maintain an aerial ropeway or other system of railway for the purpose of carrying passengers between terminal points situated at the Springs, *Mount Wellington*, and the Pinnacle on *Mount Wellington* aforesaid, with all proper standards, ropes, rails, stays, engines, buildings, erections, haulages, and other works and conveniences connected therewith or auxiliary thereto necessary for the purposes thereof, and may work and use the same, and may from time to time make, maintain, alter, and remove, and if necessary replace, the same as he may find necessary or consistent for the efficient working of the said ropeway or railway.

Lease may be
granted.

4 It shall be lawful for the Minister, notwithstanding anything contained in any Statute or Proclamation, to grant to the Promoter or his assigns for a term of Forty years at a nominal rental a lease of a strip of land not exceeding One chain in width for the purpose of constructing and working the said ropeway or railway, and also of such other pieces of land for the purpose of erecting buildings, engines, haulages, and works, as to the Minister shall seem proper. The said lease shall contain a proviso for forfeiture in the event of the ropeway or railway not being erected and open for traffic within Two years from the date of the said lease.

Power of
purchase.

5 The powers of purchase enacted in Part VIII. of "The Railways Clauses Consolidation Act, 1901," shall apply to the said ropeway or railway at the expiration of Ten years from the date of the lease mentioned in the last Section.

Railway need not
be worked in
winter.

6 Nothing in "The Railways Clauses Consolidation Act, 1901," or in any Regulations made or to be made thereunder, or under any other Act, shall be construed to compel the Promoter to work the said ropeway or railway for any part of the months of *May, June, July, August, September, or October*.

Speed limit.

7 The speed at which cars carrying passengers shall travel on the said ropeway or railway shall not exceed Ten miles an hour.

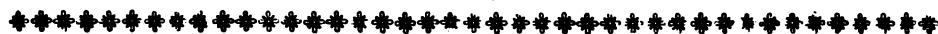
TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS.



AN ACT to authorise the issue of Special A.D. 1905.
Leases to "The *Tasmania* Gold Mining
Company, Limited," and to authorise the
construction of Special Works.

[20 November, 1905.]

WHEREAS The *Tasmania* Gold Mining Company, Limited, PREAMBLE.
incorporated in *England* under the Acts of Parliament of *Great*
Britain and *Ireland*, known as *The Companies Acts*, 1862–1900, and
having an Agent and Office duly registered in the State of *Tasmania*,
in the Commonwealth of *Australia*, under the provisions of the Act
of Parliament of the State of *Tasmania*, known as "The Mining
Companies (Foreign) Act," is the present holder of gold-mining leases
issued under the provisions of "The Mining Act, 1893," and mentioned
and set forth in the Second Schedule hereto :

And whereas development work on the mining properties held by the
said *The Tasmania* Gold Mining Company, Limited, under the said
leases is very materially hampered by the large volume of water which
finds its way into the workings in the said mining properties :

And whereas it is desirable to offer inducements to the said *The*
Tasmania Gold Mining Company, Limited, to expend capital in the
development of the said mining properties, especially in overcoming

[*Private.*]

Tasmania Gold Mining Company.

A.D. 1905.

the difficulties in connection with the drainage of the said mining properties :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Short title.

1 This Act may be cited as “The *Tasmania* Gold Mining Company’s Act, 1905.”

Interpretation.

2 In the construction of and for the purposes of this Act the following terms shall, if not inconsistent with the context or subject-matter, have the respective meanings hereby assigned to them :—

“The Minister” shall mean the Minister of Mines for the time being :

“The Company” shall mean The *Tasmania* Gold Mining Company, Limited, aforesaid :

“Crown lands” or “Crown land” shall mean any lands in the State which are or may become vested in the Crown, and which are not reserved for or dedicated to any public purpose, or granted or lawfully contracted to be granted, in fee simple, by or on behalf of the Crown, and includes all lands of the Crown which are or may be held or occupied for mining, pastoral, or other purposes under any lease, licence, or other right issued by the Crown or applied for from the Crown in pursuance of any Act of Parliament of this State :

“Private land” shall include land selected under the provisions of “The Crown Lands Act, 1903.”

Power to issue special leases.

3 Notwithstanding anything contained in “The Goldfields Regulation Act, 1880,” or “The Mineral Lands Act, 1884,” or “The Mining Act, 1893,” or “The Mining Act, 1900,” or “The Mining Act, 1905,” or “The Crown Lands Act, 1903,” or “The Crown Lands Act, 1905,” or any Amendment or Amendments thereof respectively, or in any other Act of this State, it shall be lawful for the Minister at any time and from time to time to accept surrenders from the Company of all or any of the said leases mentioned and set forth in the Second Schedule hereto, or of any other leases which may from time to time be held by the Company under the abovementioned Acts or any of them, or any Amendment or Amendments thereof respectively, or under any other Act of this State, and to grant to the Company instead and in place of the lease or leases so surrendered a special lease or leases, in accordance with the provisions of this Act, of the lands mentioned and described in the lease or leases surrendered by the Company under the authority of this Act.

Form and contents of lease.

4 Every lease granted under this Act may be for any term not exceeding Thirty years, and shall contain the reservations, covenants, conditions, and provisions contained in the form of lease set forth in

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the First Schedule hereto : Provided that if at the expiration of Five years from the date of the passing of this Act the Company is not able to satisfy the Minister that it has expended in the development and improvement of its mining property and in the purchase and erection of plant and machinery necessary for the purposes or business of the Company a sum of not less than One hundred and eighty thousand Pounds, then the term of any special lease issued under the authority of this Act for any term exceeding Ten years shall be deemed to be a lease for Ten years from the date of its issue instead of for the full term therein mentioned, but with the same right to renewal at the expiration of such Ten years as if the special lease or leases had been issued under the provisions of "The Mining Act, 1905."

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5 Every lease granted under the authority of this Act shall be by deed, and shall be in duplicate, and one part thereof shall be signed, sealed, and delivered by the Minister, and the other part shall be executed by the Company, and shall bind the Company, its successors, and assigns, to occupy and work the land therein described under and subject to the conditions and stipulations and grounds of forfeiture therein set forth.

Lease to be by deed.

6 The rent to be paid for the land comprised in any lease granted under the authority of this Act shall be One Pound Five Shillings per year for every acre or part of an acre comprised in the lease, and shall, where any such land has already been leased to the Company, be the same as that reserved by the existing lease to the Company of such land, and the rent to be paid for any land which has not been previously leased to the Company shall be payable in advance on the First day of *July* in every year; and in every case in which such a lease shall be granted under this Act, after the First day of *July* in any year, the rent for the land comprised in such lease shall be paid in advance for the period ending on the Thirtieth day of the month of *June* following the date thereof.

Rent.

7 It shall be lawful for the Governor in Council to grant to the Company a lease or leases, in accordance with the provisions of this Act, of any land not then alienated or leased or occupied under authority from the Crown for mining purposes joining on to any land comprised in any lease surrendered by the Company under the authority of this Act.

Additional leases may be granted.

8 Every lease granted under the authority of this Act shall enable the Company to mine for, raise, and extract from the land therein described, gold, silver, copper, tin, lead, coal, shale, slate, freestone, limestone, or any other mineral or substance found in or under such land, and to appropriate and dispose of same in accordance with the provisions of such lease for the sole use and benefit of the Company.

Leases to include all minerals.

9 The Company is hereby authorised and empowered, within the Town of *Beaconsfield*, and within a radius of Six miles from

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the principal Post Office in that Town, to generate, manufacture, procure, and supply electricity for public purposes and private purposes, and for such purpose to acquire such lands, construct such works, acquire such licences for the use of any patented or protected process, inventions, machinery, apparatus, methods, materials, or other things, and generally to do all such acts and things as may be necessary and incidental to such supply, and to make charges for the supply of electricity, and to enter into any contract with any person, public body, or body corporate for such supply for public purposes, upon such terms and for such price as may be mutually agreed upon; and also to contract with any person or persons for the supply of electricity for private purposes, upon such terms and for such price as may be mutually agreed upon; but such price shall not exceed the sum of One Shilling per unit.

Forestry.

10 The Company is hereby empowered to purchase Crown lands available for selection, subject to the conditions of "The Crown Lands Act, 1903," provided that within Five years of such purchase it shall plant or cause to be planted One acre with trees suitable for mining purposes for every Ten acres so acquired: Provided always, that should the Company not be able to satisfy the Minister that such planting has been carried out, it shall forfeit all right, title, and interest in the land or lands so acquired.

Leases may be renewed.

11 Every lease granted under the authority of this Act may be renewed, upon the expiration thereof, for a further period of Ten years, upon such terms and conditions, and subject to the payment of such rent, not exceeding Five times the rent previously paid for the land thereby leased, as the Governor in Council shall think fit to impose in accordance with the provisions of this Act.

The provisions of "The Mining Act, 1905," to apply.

12 Subject to the provisions of this Act, all the provisions of "The Mining Act, 1905," and of all Amendments thereof, so far as the same are applicable, and are not inconsistent with the provisions of this Act, shall apply to all leases granted under the authority of this Act, and the powers hereby conferred on the Company shall be in addition to, and not in derogation of, the powers conferred by "The Mining Act, 1905:" Provided always, that the provisions in "The Mining Act, 1905," or of any Amendment or Amendments thereof, as to amalgamations of claims held under lease, shall not apply to any leases granted to the Company under the authority of this Act, but the whole of the land included in any lease or leases to be granted under the authority of this Act shall be considered as amalgamated into and forming One claim.

Power to assign and transfer rights.

13 It shall be lawful for the Company or its assigns at any time and from time to time, by deed or instrument in writing, to assign and transfer all the rights, powers, privileges, benefits, concessions, and advantages conferred upon them by this Act, or by any Amendment

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thereof, to any person or persons or syndicate, or to any duly incorporated Company; and upon such transfer or assignment being signed or executed, the person or persons, or syndicate, or duly incorporated Company, in whose favour such transfer or assignment is made shall then stand in the place of the Company, and shall have all the liabilities, rights, powers, privileges, benefits, concessions thereof and advantage conferred upon the Company by this Act or by any Amendment, including the power of assignment given by this Section, and shall be subject to all the obligations and conditions imposed upon the Company by this Act or by any Amendment thereof.

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14 Upon the completion of any such assignment or transfer as in the last preceding Section mentioned, this Act, or any Amendment thereof, shall be read so that whenever the word "Company" occurs it shall be omitted, and the name of the Company, local authority, association, syndicate, partnership, person or persons, so purchasing or acquiring the mining properties, land, machinery, and other works of the Company, shall be read and taken to be inserted in its stead.

How Act to be
read on com-
pletion of
assignment.

THE FIRST SCHEDULE.

THIS Deed of Lease, made the _____ day of _____ by the authority of His Excellency the Governor in Council, between the Minister of Mines (hereinafter called "the Minister") of the one part, and The Tasmania Gold Mining Company, Limited, incorporated in England under the Acts of Parliament of Great Britain and Ireland, known as "The Companies Acts, 1862-1900," and having an agent and office duly registered in the State of Tasmania under the Act of the Parliament of the State of Tasmania known as "The Mining Companies (Foreign) Act," and hereinafter called "the Company," of the other part, witnesseth that, in consideration of the rents, reservations, covenants, provisoes, and agreements hereinafter contained, and on the part of the Company to be paid, observed, and performed, the Minister doth, by these presents, demise and lease unto the Company, its successors, and assigns, all that piece or parcel of land particularly described in the First Schedule hereto, and as the same is delineated on the map or plan hereon endorsed and surrounded by a red boundary line; together with full and free liberty for the Company, its successors and assigns, and its and their agents, servants, and workmen, in and upon the land hereby demised, to dig, sink, drive, make, and use all such pits, shafts, levels, and water-courses; and to do all such other things, including the erection of all such machinery, buildings, and other works; and to appropriate and use such water flowing in a natural channel through or along the boundary of the said land hereby demised, or naturally deposited within the area of the land hereby demised, as may be proper and requisite for winning, working, and obtaining the gold and all other minerals and ores therein contained; and for effectually washing and separating the said gold, minerals, and ores from all soil and other substances mixed with them; and for smelting and reducing any such ores or minerals into metal: Excepting and always reserving unto the Minister, or to any person duly authorised by law in that behalf, or any person by him in that behalf appointed by writing under his hand, full and free liberty, at all proper and seasonable times during the continuance of this demise, with or without assistants, to enter into and upon the land hereby demised, and all mines, works, and buildings thereon, in order to view and examine the condition thereof; and for that purpose to make use of any of the roads, ways, machinery, and works belonging to the said

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land, mines, and premises: Also full and free liberty during the continuance of this demise to use or make and use any drifts, levels, shafts, watercourses, adits, or passages being in or upon any part of the premises hereby demised, or the surface thereof, for the purpose of freeing any other land or mines whatsoever from water, or for conducting water for the use of any such last-mentioned land or mines, or the machinery or works connected therewith, or for supplying the same with good fresh air: Also full and free liberty at all times during the continuance of this demise, to make any levels, drifts, shafts, adits, watercourses, railroads, and other ways or roads in, through, or upon any part of the premises hereby demised, or the surface thereof, for effectually working any other adjoining or neighbouring mines, or for any purpose whatsoever, causing thereby, nevertheless, as little as possible obstruction or injury to any of the levels, drifts, shafts, adits, watercourses, roads, or ways, and works belonging to the said land, mines, and premises hereby demised, and except and always reserving unto His Majesty all such parts, and so much as may be required for making public ways in, over, and through the same, to be set out by the Governor or some person by him authorised in that respect: And also all stone, gravel, indigenous timber, and other materials the natural produce of the said land, which may be required at any time or times hereafter for the construction or repair of any public ways, bridges, fences, embankments, dams, sewers, or drains necessary for the same; together with the right of taking and removing all such materials, and of full and free ingress, egress, and regress into, out of, and upon the said land for the several purposes, all and singular, other the premises hereinbefore mentioned or referred to and hereby aforesaid: To have and to hold the said land, mines, gold, minerals, and ores hereby demised, with their appurtenances (except as aforesaid) unto the Company, its successors, and assigns, from the day of the date hereof, for and during the full term of Thirty years next ensuing, and fully to be complete and ended to the intent that the same shall be used for such operations as aforesaid: Yielding and paying therefor yearly and every year during the term hereby demised the yearly rental of
 for every acre or part thereof, by equal yearly payments of
 each to be made in advance, on the First day of July in each and every year of the said term; and all such payments to be free and clear of and from all rates, taxes, and assessments now or which may hereafter be imposed upon and in respect of the land and premises hereby demised, and from all other charges and deductions whatsoever; subject, nevertheless, to the restrictions, conditions, covenants, and provisos herein and hereby made, expressed, and referred to: And the Company hereby covenants with and to the Minister in manner following, that is to say:— That the Company shall and will pay the rent hereby reserved upon the days and times hereinbefore appointed for the payment thereof free and clear as aforesaid, according to the true intent and meaning of these presents; and that the Company shall and will use the land hereby demised, *bonâ fide*, exclusively for the purposes for which it is demised, and in accordance with the regulations and forms for the time being in force under the provisions of "The Mining Act, 1905": And also shall and will at all times during the continuance of this demise prepare and keep correct and proper plans or sections of all the workings, and of the actual condition of the mines and premises hereby demised; such plans to be upon such scale, and in accordance with such directions, as the Minister or other officer authorised or appointed by him in that behalf shall from time to time direct; and shall deliver annually during the said term a true copy of such plans or sections to the Minister or other officer for the use of the Government of this State: And also shall and will supply annually during the said term to the proper officer who may be authorised or appointed by the Governor in that behalf, such returns, particulars, and statistics of the operations to be carried on upon the said land, and the results thereof, as he may from time to time in that behalf require, accompanied with a Statutory Declaration of the truth and correctness thereof: And also that the Company, its agents, workmen, and servants, shall and will, during the continuance of this demise, work and carry on mining operations on the said land, mines, and premises, in a fair, orderly, skilful, and workmanlike manner; and shall and will expend, in relation to the demised land, in wages, to persons employed thereon, or in the purchase,

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erection, and maintenance of machinery and other requisites; or in the erection, construction, or maintenance of buildings, roads, watercourses, tramways, or other works, or otherwise in carrying on mining or other operations on the land demised, on in connection therewith (whether preliminary or developmental), a sum of at least Ten Pounds per acre of the land hereby demised, in each period of Twelve months of the term granted by this lease (unless prevented by strikes, inevitable accident, or during the execution of repairs): And also that it shall be lawful for any officer appointed by the Governor in that behalf, at all proper and seasonable times during the continuance of this demise, and whether the said operations shall be in progress or no, without any interruption or disturbance from the Company, or its agents, workmen, or servants, to enter into and upon the said mines, works, and premises hereby demised, or any part thereof, to view and examine the state and condition thereof, and whether the said mines be worked in a proper, skilful, and workmanlike manner; and for such purposes to make use of the roads, ways, machinery, or works belonging to the said mines and premises: And also that the Company or its miners, workmen, or servants, shall not, nor will, carry on mining operations on the said land, mines, and premises hereby demised, out of or beyond the limits and boundaries mentioned in the First Schedule hereto: And shall and will endeavour to pump out the water from its mines on the said land at all reasonable times, or contribute or pay ratably with adjoining occupiers or lessees of Crown land for the time being, a fair proportion of water charges for keeping its works free from water; or shall and will pay to meet the loss or expense incurred by the Government, or by such lessees as aforesaid, or the adjacent or neighbouring miners (if any), such proportionate rate, to be determined or assessed and recovered in the manner provided by "The Mining Act, 1905:" And also shall and will make adequate provision for the disposal of the detritus, dirt, waste workings, or refuse, that the same shall not be an inconvenience, nuisance, or obstruction to any roads, ways, rivers, creeks, or private or Crown lands, or in any manner occasion any private or public damage or inconvenience: And also shall and will make such provision for decency and the observance of sanitary regulations as the Minister shall approve of and direct: And also shall and will erect, and keep erected during the said term, a post not less than Four feet Six inches above the ground, and Eight inches in diameter, at each and every angle of the land hereby demised; and at each of such poste trenches not less than Three feet in length and Nine inches in depth, indicating the direction of the boundary lines, or such other marks as the Minister shall approve: And also shall and will build and keep in good repair a sufficient and substantial wall or fence around all shafts which may at any time during the said term be open in any part of the said demised premises or elsewhere for the purpose of this demise, so as to lessen the liability to accident; and, further effectually to prevent all access thereto by cattle: And shall and will fill up with earth or waste heaps, or effectually and substantially shut up and enclose all shafts which shall be closed or allowed to go out of repair, with the consent in writing of the Minister, or other officer authorised in that behalf: And also shall and will at all times during the continuance of the said demise keep and preserve the said mines and premises from all unnecessary injury and damage; and also the levels, drifts, shafts, watercourses, erections, and other conveniences, roads, and ways constructed for mining purposes, in good order, repair, and condition, except such of the said works as shall from time to time be certified by the Minister or other proper officer to be unnecessary for the further working of the said mine, or for any purposes connected with the working of any other mines: And in such state and condition shall and will, at the end, or other sooner determination of the said term, deliver peaceable possession thereof, and of all and singular the premises hereby demised, to the Minister or other officer duly authorised to receive possession thereof: And, further, shall and will likewise observe, perform, fulfil, and keep, the further conditions, covenants, and provisoes (if any) set forth and contained in the Second Schedule hereto: And also shall not nor will cut or use any timber growing upon the said land, except for the purpose of the operations hereby contemplated, or for the domestic purposes of those engaged or employed thereon: Provided, also, that this lease may be declared void and forfeited by the Governor in Council in manner provided by law, if default shall be made by the Company or their successors in all or any of the following con-

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ditions; that is to say, if the rent be not paid yearly, in advance, to the Treasurer as aforesaid, and if the conditions hereinbefore contained with respect to the expenditure of at least Ten Pounds per annum per acre as aforesaid be not complied with; or if the Company shall permit any portion of the land demised to be occupied other than for mining purposes, without the permission in writing of the Minister, except for allowing any and every miner employed by the Company to occupy at a peppercorn rent a portion of such land for the purpose of residence, garden, yard, and other conveniences, not exceeding in any case One acre; and also for depasturing cattle used in connection with the working or mining of such land; or if the lessees shall mine at a less depth than Fifty feet from the surface of all reserved streets, each One chain wide, all purchased lots, police and school reserves, situate and being within the area of the land demised and coloured yellow upon the annexed plan: Provided, also, that the Governor may, in his discretion, upon any breach of any of the above covenants by the Company for which the lease is liable to forfeiture, impose a fine not exceeding Five hundred Pounds as an alternative to the forfeiture of this lease: Provided, also, that it shall be lawful for the Governor from time to time to resume any land demised for the purpose of laying out a town, or for constructing roads or tramways for public utility and convenience, excepting only that portion of the surface of the land granted to the Company as a Special Mining Reserve, and coloured green upon the annexed plan.

In witness whereof the said parties to these presents have hereunto set their hands and seals, the day and year first above written.

Signed, sealed, and delivered by the Minister,
in the presence of

Minister of

THE SECOND SCHEDULE.

No.	Name.	Area.			Situation.
		A.	R.	P.	
153.	The Tasmania Gold Mining Company, Limited...	10	0	0	Beaconsfield.
154.	Ditto	10	0	0	Ditto
155.	Ditto	7	2	0	Ditto
157.	Ditto	10	0	0	Ditto
166.	Ditto	8	1	12	Ditto
235.	Ditto	10	0	0	Ditto
239.	Ditto	10	0	0	Ditto
281.	Ditto	8	3	0	Ditto
286.	Ditto	24	0	0	Ditto
287.	Ditto	22	0	0	Ditto
288.	Ditto	41	2	0	Ditto
615-93a.	Ditto	3	0	0	Ditto
616-93a.	Ditto	2	0	0	Ditto
Total area.....		167	0	12	

